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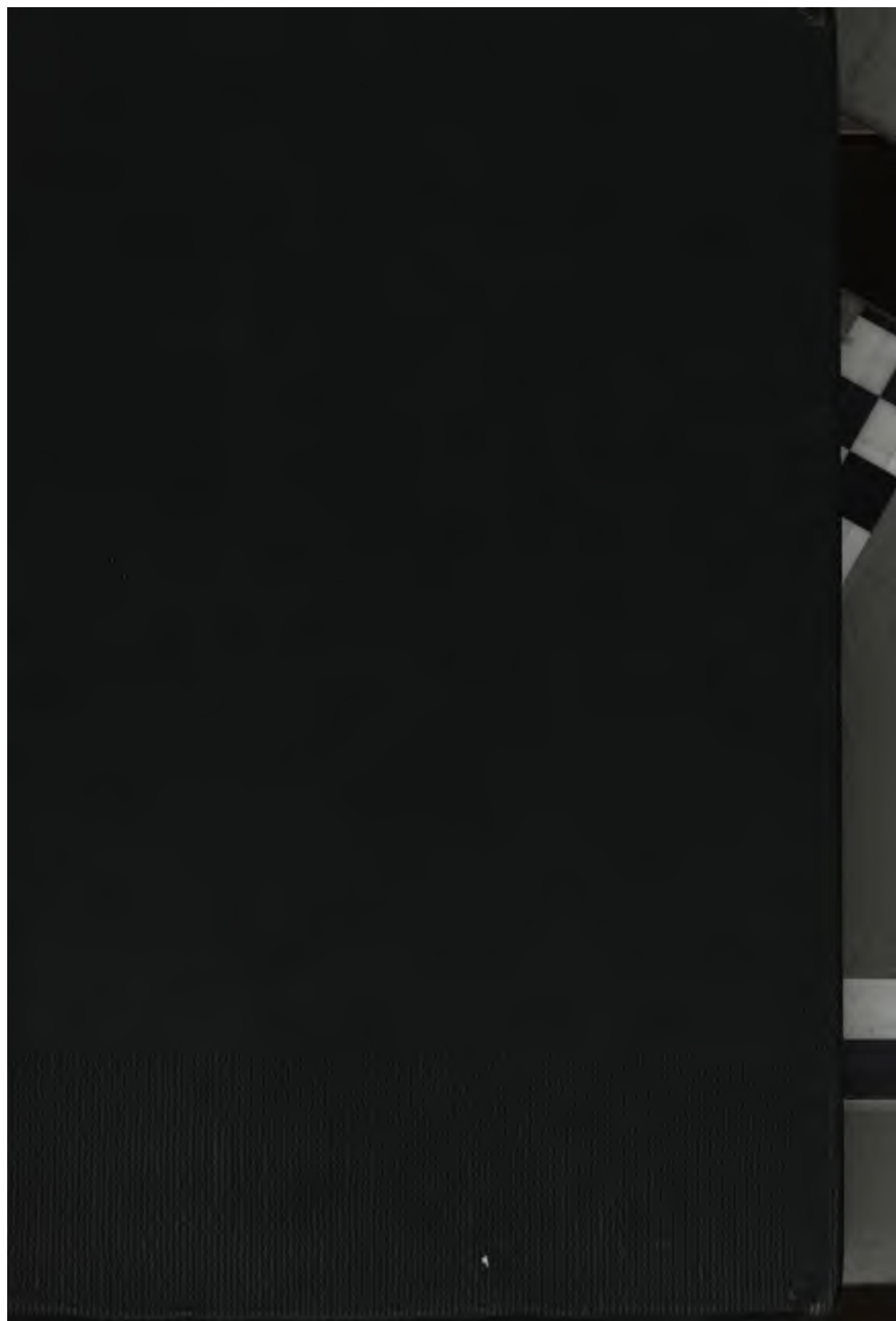
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*Mr Dudley Foulke*

# A HOOSIER AUTOBIOGRAPHY

BY

WILLIAM DUDLEY FOULKE, LL.D.

AUTHOR OF "MAYA," "LIFE OF O. P. MORTON," "PROTEAN PAPERS,"  
"DOROTHY DAY," "MASTERPIECES OF THE MASTERS OF FICTION,"  
"SOME LOVE SONGS OF PETRARCH," "LYRICS OF WAR AND  
PEACE," "FIGHTING THE SPOILSMEN," "TODAY  
AND YESTERDAY," ETC.

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The lines at the beginning of each chapter are taken from two volumes of verse by the author, "Lyrics of War and Peace" (Oxford University Press and Bobbs Merrill Co., 1916), and "Today and Yesterday" (Oxford University Press, 1920).



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# A Hoosier Autobiography

## CHAPTER I

### EARLY LIFE

I GLEAN with care the stalks that memory leaves  
Upon the time-mown fields of earlier years;  
I gather all and bind them into sheaves,  
Then winnow them, that from the fruitful ears  
Some seed may fall that in its turn will bring  
Fresh hope of harvest for a coming spring.

—*Autobiography.*

### INTRODUCTORY

Many years ago I dreamed that my friend, Captain Y., believed he was going to die upon a certain day, and accordingly fixed the time and made all the arrangements for his funeral, which was to be held in the Quaker meeting house at Richmond, Indiana. When the day arrived, his friends assembled; the house was full, and among others came my father, a minister of the Society of Friends, to bear his testimony to the virtues of the deceased. But the Captain's presentiments had not come true, he was still living, and he now determined to preside in person over his own obsequies. He sat "at the head of the meeting" and as my father, accompanied by another Friend, walked up the aisle, he called out that Abijah Jones was welcome but that he did not choose to have Thomas Foulke speak at his funeral. While it seemed to me that a man had the right to manage his own funeral if he were there to see to it himself, I was annoyed at the affront to my father and we walked out of the meeting-house together.

In writing these memoirs I cannot help thinking of that old

dream. Biography, to be complete, should be a post-mortem account of a man's life and therefore written by another. Is not the man who writes his own biography like one who would take charge of his own obsequies and thus try to forestall an unpalatable obituary?

Yet the man himself knows better than another what he has done and why, and if he be honest, he should be able to give a more faithful account of his career. The main questions are, whether the story is worth the telling and how well it can be told. I cannot say that there is anything very important in the pages which follow. I have seen a good deal of the world from various sides and have taken part in a good many public movements, but so have thousands of others; and my best hope to justify the narrative is found in the maxim that the life of the humblest man, if reasonably well told, may be of interest to the greatest.

And a certain value may also lie in the point of view. It may be that a man, originally a New Yorker, then a Hoosier by adoption, who has witnessed the significant development of the great Middle West during half a century and who has himself been connected, in their early stages, with many movements then considered radical but since adopted by the country at large, such as Woman's Suffrage, Civil Service and Municipal Reform, and the development of closer international relations—it can well be that this man may, in the story of his life, have some contribution to offer to the history of his own time.

#### BOYHOOD

Many New Yorkers have been born and reared in other parts of the country—in New England, in the South, in the Mississippi Valley, some of them in Indiana—why then should not a man who has spent the bulk of his life in Indiana call himself a Hoosier, though he be a native of the city of New York?

I was born in that city on November 20, 1848, at No. 76 Rivington Street. It was a neighbourhood which was then quiet and respectable, though not at all fashionable, but which has since become part of the tenement house district of the metropolis.

My father, Thomas Foulke, was at the time principal of a ward school, then the largest in the city, with an attendance of some two thousand pupils. He was, however, a man of some little property and not altogether dependent on the meagre salary of his calling. He belonged to a Pennsylvania family which had settled in Gwynedd Township, Montgomery County, about fourteen miles from Philadelphia, over two hundred years ago. Edward and Eleanor Foulke, the original founders of the family in America, were among the colonists brought over by William Penn. Edward belonged to an old Welsh family, which traced its descent back to the time of Henry II, and some of whose members were well known to English history.

He was a farmer and became a Quaker about the time of his emigration. His descendants for several generations nearly all belonged to the Society of Friends, and my father and grandfather were both ministers of that Society.

I was an only child. My mother, Hannah S. Foulke, was the daughter of Abraham Shoemaker, a New York merchant. He also was a Friend, a man of excellent business ability but very much of a recluse, seeing few people and visiting not at all. His wife, Margaret Shoemaker, was much more active and took an interest in many public questions, particularly in the anti-slavery movement. They both lived to be over ninety years of age.

My parents resided with them and with a brother and sister of my mother. The house was for a time one of the stations on the "underground railroad," for we used to help fugitive negroes on their way to Canada and we were once involved in litigation on account of assistance thus given.

At a later time my father was the principal of Friends' Seminary, an academy established by the Society in a building adjoining the meeting-house in Rutherford Place in New York. I attended school there for a number of years and was graduated in 1864.<sup>1</sup>

<sup>1</sup> The incidents of my early life, my school days and the Quaker customs and traditions which they illustrate, are more fully contained in the first book of "Dorothy Day" (Cosmopolitan Press, 1911, pp. 1 to 116), the statements of which are based on facts, though the actual names are not given.

## QUAKER INFLUENCES

Born and reared as I was in a family of old-fashioned Hicksite Quakers, the views and traditions of their simple and earnest religion became part of my life, and although I have since discarded most of these, some still remain with me.

The Society of Friends has no written creed; its paramount doctrine is the belief in the "inner light," the conviction that God reveals himself directly to all who seek His guidance, not only upon questions of dogma and of moral and religious duty, but often as a special providence guiding and protecting the lives of His followers. The supreme injunction of George Fox, the founder of Quakerism, was "Mind the Light." It was generally considered that the ministers of the Society in their sermons uttered not simply their own thoughts but a message which had been given to them by a higher power.

Besides this fundamental idea, there were other things of a more practical nature to which the Society was devoted, and enquiries respecting these things were made periodically in their various meetings by means of certain formal "Queries," asking, for instance, whether Friends were careful to keep their obligations and not extend their business beyond their ability to manage it; whether they observed temperance and sobriety in their lives, etc. The principles of peace and non-resistance and a deep regard for human liberty, involving opposition to negro slavery, were also among the unwritten tenets of the Society.

We used to entertain at our house many of the Friends who took part in the various yearly and quarterly meetings which were held in New York. So numerous were our guests that, in addition to those we could accommodate in our various bedrooms, the attic of the house was devoted to them, cots and improvised beds being placed there, and the women's quarters being carefully screened off by curtains.

The broad brims, plain bonnets, and drab suits were there in abundance. My father himself wore the peculiar garb of the Quakers with high collar and curving front lines of a coat that was always made of black broadcloth; his silk hat, with a brim a little wider than the prevailing fashion of the day, was glossy

and well brushed, and his black stock looked always fresh and new. I have sometimes wondered whether there was not almost as much pride of appearance shown in this garb as in the costumes of the "world's people."

The eminent ministers of the Society, Lucretia Mott, John Hunt, David Barnes, Richard Cromwell, and others, were often with us, and my youth was spent in an atmosphere of mysticism and deep religious faith. There were wonderful stories of divine revelations given to these servants of the Lord, and we were impressed with the supreme importance of heeding the "inner light" which, it was believed, shone upon the faithful in their daily lives.

Among the ministers who were with us at Yearly Meetings and on other occasions was my grandfather, Joseph Foulke, a hale and genial old man with a round, moon-like face, his drab waistcoat covering an ample "bay-window." He was always a welcome guest at the houses of Friends, who entertained him when he travelled from place to place, as he often did, in the work of the ministry. The Quaker preachers received nothing for their services, they even paid their own expenses, and my grandfather, when he deeded his farm to his eldest son, reserved a small annuity which enabled him to do this gratuitous service and to deliver such messages as he believed had been entrusted to him by his Divine Master.

He had a great assortment of charming anecdotes, generally about Friends and their odd ways and sayings, which always drew around him a circle of interested listeners.

His childlike faith stayed with him up to his final hour, and amid the sufferings of his last illness he was filled with the calm assurance that he had fought the good fight, that he had kept the faith, and that there was laid up for him the crown of righteousness which the Lord, the righteous judge, would give to those who served Him.

But in spite of these early surroundings I became distrustful, even in boyhood, of the supernatural agencies of which I heard so much. Sometimes, led by some shining example which had been set before me, I would open the Bible at random with the hope that the "inner light" would shine for my instruction from

some particular passage, but I commonly came upon a verse telling me that Shoharaim begat children in the country of Moab, or describing the preparation of the shew bread; or if, relying upon the intimations of the "inner light," I took the second omnibus in place of the first one, I never could find that any accident happened to either of them, until at last I came to believe that my own common sense was a safer guide for daily conduct than any other kind of illumination.

Although these notions of spiritual interposition gradually grew faint and finally disappeared, yet the habit of following personal convictions of duty became deeply imbedded in my nature. Such convictions, however, were not always well balanced; they were much stronger in regard to some things than to others just as important. Where they were strong, I instinctively and inevitably followed them; when this was not the case I often fell short in my conduct.

About the time of the close of the Civil War, we moved from the house in Rivington Street to one in Thirty-eighth Street between Fifth and Sixth avenues, then very far "up-town."

#### OUR SUMMER HOME

Our summers were usually spent at Long Branch, where my aunt, Ann S. Dudley, had a cottage. The rest of the family lived with her during the hot months for nearly a score of years. Long Branch was quite a primitive place in those days. There were no railroads, and only a single steamboat running from New York. It left at a different hour each day so as to sail up the shallow waters of the Shrewsbury inlet at high tide. It often ran aground and we sometimes remained fast for hours; on one occasion, all night long.

The place was then a quiet, rural neighbourhood with a few summer hotels stretched along the low bluff by the shore. Our cottage was about a mile back from the sea. It stood upon the side of a small hill that rose like an ocean swell from out the plain. The hill was crowned by our summer-house, from which there was a remarkably fine view not only of the sea but of the distant Highlands of Navesink. Nearer were the hills of Rumson

Neck and Red Bank, with woods, fields and farmhouses in the foreground. Among these the Shrewsbury inlet wound its glistering, snake-like course, and one branch of it came almost up to the foot of our hill, where it disappeared among the tall green rushes. I had a little attic room where I studied and wrote, though my life was mostly out of doors, and I recall with delight the bathing, the sailing, the fishing, the picnic in the woods, the clambake by the river, the dance at night in the hotel, the tête-à-tête upon the beach. I loved especially the cool evenings of the early autumn, and always returned to the city with regret.

There is one figure that stands out very clearly in my memory of those days at Long Branch. It is that of the venerable Bishop Simpson of the Methodist Episcopal Church, who was, I think, next to Henry Ward Beecher, the most eloquent pulpit orator in America. He lived for two or three summers in a little cottage just at the end of our lane on the opposite side of the highroad. Here I visited him occasionally and was much impressed with his benignant personality. For a few years President Grant had a summer cottage on the beach; he was expected one Sunday at the village church, but did not come. Possibly in anticipation of his presence, Bishop Simpson had prepared a sermon which seemed to me, as I listened to it, the most impressive I had ever heard. It was apparently extemporaneous, but had evidently been carefully planned beforehand. The text was, "Abel, being dead, yet speaketh." The bishop passed in brief but eloquent review the great events in the history of the world since Abel's day—the changes wrought by time, war, civilisation, and religion in all the races of men. "And yet," he said, "the voice which spoke in those primæval days is speaking still and will continue to speak until the latest generation." This was the great preacher's illustration of the power of human influence. He compared it to a pebble dropped in the still waters of a pool, whose widening circles spread on every side until they kissed the shores. He reminded us of the principle of physics that no force, wherever exerted, is entirely lost, and he drew from this theme the inevitable moral that each man in every act of his life should so conduct himself that his influence would work for the glory of God and the welfare of mankind.



He spoke also of the "cloud of witnesses" by whom our acts were seen, picturing in fancy the clouds that developed themselves into cherub faces, as in Raphael's paintings of the Madonna. His sermon was a poem, and he held us for an hour and a half captive to the spell of his oratory.

#### PREPARING FOR COLLEGE

During the winter and spring of 1865 I had to prepare for college, for it was decided to send me to Columbia in the fall. I knew little Latin and not a word of Greek, and a formidable task was before me to be completed between November and June. I secured as tutor a thorough drill-master in Greek verbs and in the rules of syntax, and after I had got into the swing of it I was able to take a hundred and fifty lines of Homer at a lesson, and by June I had gone over the whole ground required. I was greatly flustered, however, in the examination by the awe-inspiring presence of Prof. Charles Anthon, and made a flat failure in Plutarch and the Anabasis. But when he called for Homer, there was something in the rhythm of the hexameters that ended my confusion. I knew them so well that I couldn't get them wrong, and after I had answered all his questions correctly, he wrote "Passed" upon my card, with the remark, "You may thank old Homer for that. He saved you."

#### COLLEGE LIFE

Columbia College at that time was in temporary quarters. It had moved from its former home in College Place and was occupying an old building on Forty-ninth Street that had formerly been used for a Blind Asylum. The campus in front was large enough for a "rush" between Freshmen and Sophomores, and a little later we had the vacant square between Forty-ninth and Fiftieth streets and between Fifth and Sixth avenues for our games of baseball and football. Much of the adjacent neighbourhood was occupied by squatters with their shanties perched upon the rocks, a very convenient thing for us boys when we wanted to buy hens or geese to throw into the lecture rooms during examinations.

The curriculum was not like the present one with its many optional courses. We all had to fit into the same bed. The classics, history, literature, logic, mathematics and some rather rudimentary work in chemistry, physics, etc., constituted, with "The Evidences of the Christian Religion," the principal branches of instruction. The president was Dr. F. A. P. Barnard, a kindly, broad-minded old man, who was at that time laying the foundation for a fuller recognition of the sciences. Dr. Anthon was professor of Greek; he was a noble-looking man—a prince of old-fashioned pedagogues—with his jokes, his tyrannies, his prejudices and partialities, and with them a *bonhomie* so strong and winning that we were devoted to him. To me at least he gave an inspiration and a love for the Greek language and literature which have lasted through life. Say what you will about the uselessness of Greek in general education, I would rather lose all the rest of what I learned in college than my rich experience of this one language. The memory of Dr. Anthon's classes is an enduring delight.

Another stimulating instructor was Professor Peck, the head of the department of mathematics. He was a short, stout man, with keen, incisive voice, awkward—sometimes tumbling headlong over the globes and other furniture of his lecture room; but he had wonderful powers of inspiration in a branch of learning which is not likely to arouse enthusiasm. He once became very eloquent in a demonstration upon mathematical grounds of the inevitable evolution of the solar system from a large body of gaseous matter distributed irregularly through space. He too was one of the men we loved, and this in spite of his irascibility. There was a tradition that he had once challenged to personal combat, then and there, a student whom he had detected in some dishonourable act. He used to denounce the pranks we tried to play upon him for their lack of originality. We might make him the object, he said, of any practical joke we liked, if it were really new and good, but to witness our stale and stupid performances year after year wearied his soul. We respected this view of the matter, and as no one could invent anything new, we left him in peace.

Another favourite of ours was Dr. Schmidt, professor of Greek

and Roman antiquities. He was a thin, prim, precise old man, but with a delicious sense of humour. Once he fell upon us suddenly while we were chucking some geese up a flight of steps leading to Professor's Nairne's room. "O gentlemen," he said, "please desist! Your labours are unnecessary. There are quite enough of these here now!"

The college statutes seemed almost as long as the Mosaic law and stood before us as a constant temptation to break their commandments. Punishments were prescribed with mathematical precision. Three admonitions made one warning, and after three warnings the culprit had to go.

I was involved quite early in the toils of this rigid code. I had been in college only two weeks, when, in the geometry class, I found a fellow-student in some trouble over a proposition in Euclid and tried to help him out. We were caught. It was Friday afternoon about half-past twelve. "You will appear before the faculty at one," said Professor Van Amringe. We trembled and were silent. At the appointed hour we waited around the President's door as men might await trial before inquisitors. Suddenly we were ushered into the awful presence. The professors were seated in a semicircle with President Barnard in the middle and Van Amringe, the secretary, at a table by his side, while the two wings, with Anthon, Drisler, Joy, Nairne, Rood, and the rest, stretched around us as if to enclose us in their fatal clasp. We were made to stand up in the middle of this semicircle. Van Amringe had written out the charge, and it was read to us with great solemnity. What had we to say? There wasn't anything to say. A confession of guilt was our only refuge, and we were told to retire while the faculty deliberated upon our doom. We went out and stayed around the door for ten minutes. We were told to re-enter and were informed that an admonition would be inflicted upon us and that we must return in one week from that day to have it administered. So a week later back we came, but during this time we had become greatly hardened. The admonition did not seem nearly so terrible as in those first awful moments. The good Dr. Barnard delivered it to us quite mildly, considering, no

doubt, our youth and inexperience, for he told us that the offence we had committed, although great, was not the most unpardonable in the category of college misdemeanours. What we afterwards saw convinced us that this was true. The admonition was long, eloquent and edifying, and if we were not the better for it, the fault was ours.

This was the only time I was ever "caught" at anything—not that there were no other offences far worse than this trifling dereliction. There were pranks quite too numerous to record here, but after this first experience I became wiser in covering up my tracks and was indeed soon considered by the faculty one of the model students, a reputation I little deserved. I have never had any remorse, however, for these escapades, and I look on them even to-day with more satisfaction in their success than shame at their depravity. Some of the other students were not so lucky. Conkling, for example, a fellow with a long, solemn face, was always caught and got warnings and all sorts of things for the most trifling offences.

In the various classrooms I sat next to Hamilton Fish, Jr. This was not on account of any particular affinity we had for each other, but because Fish and Foulke both began with F. On my other side was Montague Geer, afterwards rector of St. Paul's in New York. Fish was the son of the distinguished Secretary of State under Grant. During our first year he used to be called "Fresh Fish" by the upper classmen to distinguish him from his brother Nicholas, then a Junior. Fish was by nature a politician. He was the leading spirit among the Delta Psi's in our class. This fraternity had secured a large number of members and was proceeding to appropriate entirely too many of the offices, as the rest of us thought. So the members of the Delta Phi (to which I belonged), together with those of the Psi Upsilon, made up a slate for the next four years, distributing the class presidencies, orations, Goodwood cup, etc. We allotted a number of places, not unreasonably large, to those who didn't belong to any of the fraternities. Then we went to these neutrals and told them of the iniquity of the Delta Psi's in appropriating so many positions, and at first we got their support, but somehow this plan of ours

leaked out and they became lukewarm. I was candidate for the class presidency in the Sophomore year, but was defeated by a majority of one, after a campaign as intense as if the fate of the world depended on it. I never had good luck in winning elections, but, notwithstanding this, at the end of the four years I had filled as many offices and delivered as many "orations" as any other man in the class. A New York newspaper remarked of one of these speeches that it represented the "usual fervid style of college eloquence." To judge from a sample which I now blush to read, the description was accurate. But the style was popular then. After my class-day "oration" my companions tried to lift me on their shoulders and carry me around in triumph. I have always been sorry I didn't let them do it. In my Junior year I presided at a memorable "impeachment" trial held from day to day, in which some of my colleagues in the Delta Phi were convicted, with others, of issuing an unauthorised *Columbiad*, or College annual, and the impartiality of my rulings was questioned (with perfect justice) by the men on the other side. After conviction, however, the culprits were all "pardoned" and restored to membership.

At the end of the Freshman year I found myself at the head of the class, a place I retained during the three remaining years, taking by virtue of this rank the right to deliver the Greek salutatory poem at Commencement. There were some inconveniences attached to this position; for instance, I had to keep the attendance roll at chapel, and I sat in a special chair in front of the chancel to be seen of all the faculty and with no chance furtively to prepare for the next recitation. The Greek salutatory too was a nuisance. There was no opportunity to distinguish one's self in a language that nobody could understand, and after working for weeks over reluctant hexameters it was not flattering to have Dr. Drisler rewrite nearly the whole thing.

I also won a number of prizes—a Greek prize of three hundred dollars, for instance, for the best examination on Æschylus' Agamemnon. A number of my classmates offered to bet me two to one that I would win it. I was not so certain, and I "hedged" by betting a hundred dollars that I would not, so that in any event I was sure of two hundred. This money I soon spent in

---

two weeks of delight with some boon companions in the White Mountains.

In the Philolexian (our principal literary society) George L. Rives (afterwards Assistant Secretary of State under Cleveland) and I once contended for first and second prizes when there were no other competitors. We agreed beforehand to divide the money whichever way the thing went and then paid no further attention to the matter.

During these four years of college life I became a good deal of a scamp, and had it not been for a foundation of better principles which sometimes asserted themselves in later life, I might well have fallen permanently into evil ways. It is not wise to trust a boy with a night key and with all the money he wants and then hope that he will turn out safe and sound.

#### LAW SCHOOL

I had determined to follow the profession of the law, largely on account of the opportunities it might offer for a public career, and after graduation in 1869 I went to the Columbia Law School, which was then in Lafayette Place, nearly opposite the old Astor Library.

There was a striking difference between our conduct at the Law School and our behaviour while we were still undergraduates. The college statutes had offered us a constant challenge, and we considered it a sort of moral duty to break them. But when we got to the Law School there were no statutes to violate; we were free to do as we liked. We might come as we pleased, go as we pleased, attend lectures or not as we pleased; the result was that we chose to attend them regularly and to behave ourselves. There was no play here, it was all earnest work, and if we did not do it properly the consequences would fall wholly upon ourselves. Dr. Theodore Dwight, who was at the head of the Law School, was a prince of instructors. He unfolded to us so simply, though clearly, the principles of

"The lawless science of our law,  
That codeless myriad of precedent,  
That wilderness of single instances,"

that it became in our eyes not a mere chaotic mass of decisions, but an orderly and symmetrical science. Whatever may be the advantages of the present "case system" in the study of jurisprudence, I cannot doubt that a systematic introduction to the general principles of the law ought to precede the discussion of individual cases.

We were all fond of Professor Dwight. He was not only our instructor, but our ideal and our mentor, to whom we applied for advice and counsel and upon whose friendship we could always rely. But, alas! one thing will always come to my memory whenever I think of him: the beautiful set of false teeth which used to "wobble" as he lectured!

I also attended an evening course of lectures on constitutional law by Dr. Francis Lieber, and I remember well the impressive distinction he made between English and American fundamental law. The English had what he called a "crescive constitution," like a living organism, conforming to its environment in the same way that the English Common Law had developed, whereas the American Constitution was fixed and embodied in a single unchangeable instrument. He did not then foresee how flexible that document was soon to become. He had a very comprehensive mind and was quite too discursive for the limits of the hour devoted to each lecture. He began with an elaborate introduction and developed his initial propositions so exhaustively that before he got fairly into the theme the hour was up and he had to prance over the main branches of his subject with great speed and to very little effect.

I desired to become a member of the bar before graduation, and therefore in the early summer of 1870 I presented myself for examination with many other applicants before a committee appointed by the Supreme Court and I was admitted.

An amusing thing happened at this examination. One of the candidates, when asked to define a court, attempted to give Blackstone's definition, "A place wherein justice is judicially administered," but got it mixed and answered, "A place where injustice is judiciously administered." Perhaps his definition was almost as accurate as the other one.

## THE LIBERAL CLUB

While I was at the Law School, and for some time afterwards, I was a member of the Liberal Club. We held weekly meetings in a hall near the Cooper Union building. When I joined the club Mr. Moran (who had been at the head of the Erie Railroad) was its president. He was followed by Horace Greeley, and he in turn by James Parton, the biographer. While there were many bright men and a few eminent men among the members, there were also a number of queer fish, and it was on the whole a rather indiscriminate lot, containing many extreme radicals. A paper was read at each meeting, followed by a discussion which was very animated, often witty, and sometimes quite personal. Nearly every man had his particular hobby. One was continually insisting upon "enlightened self-interest" as the most powerful incentive of human progress, another was strong on "altruism." Mr. Moran and Mr. Henry Demarest Lloyd were radical free traders; Horace Greeley was perhaps the leading protectionist in the country. At one meeting Mr. Greeley gave us a paper on the subject, and Mr. Lloyd criticised it, insisting that the laws of supply and demand furnished a much safer standard for prices than the determination of a few hundred "idiots" in Washington. In reply Mr. Greeley in his sleepy, drawling, benevolent manner said: "The young man thinks it would be better to have the value of a commodity determined by supply and demand rather than by a few hundred idiots (I think the young man called them) in Congress. Now I want the young man to remember that one of the first of these idiots was George Washington, and then we come down to such other idiots as Henry Clay and Daniel Webster—why, I once heard Daniel Webster make a speech on the subject, and he spoke almost as well as the young man did (the young man made a very good speech)," etc.

While Mr. Greeley was presiding, messengers from the *Tribune* would come with proofs of editorials which he had written for the next morning's issue, and he corrected them while still in the chair. He was much troubled with insomnia at night, and on the other hand he used to fall asleep continually in the daytime. He would frequently fall fast asleep in his chair when



presiding at our meetings, with his head thrown back and his mouth wide open, giving us the amplest opportunity to look down his throat. While he was really a very eminent man, he was grotesque. He used to ride in Central Park nearly every morning. Here I often passed him, his feet dangling, his trousers half way up to his knees, his body bouncing up and down on his horse, his arms flapping, and his mind evidently very far away.

Some of the papers read before the club were extraordinary, and the ideas expressed in debate still more so. Dr. Lambert, for instance, had a notion that since the brain consisted of two principal parts, one on the right side and one on the left, the proper way to economise in intellectual effort was to use alternately first the left and then the right part, letting the other rest meanwhile. Thus a man could keep constantly at work. He also had great faith in what he called "brainial" food for the nourishment of the intellect. He once invited the club to a luncheon at Jones' restaurant. The bill of fare consisted wholly of fish, oysters, lobsters, and other similar dishes which would make us all mental giants if we stuck to the diet he prescribed. For a time I got a good deal of amusement out of the Liberal Club, though not much instruction, but after my marriage my wife found the motley gathering so uncongenial that we attended but seldom and at last gave it up altogether.

While I was at the Law School my health was quite poor. I had suffered from a severe attack of malarial fever. This was followed by symptoms of pulmonary tuberculosis which lasted some two years. Dr. Alonzo Clark was my physician. His prescription was hard to follow in a city like New York: "Never less than eight hours a day in the open air." But I undertook the task. I rose early, had a horseback ride in Central Park, and then after breakfast walked from my home to the Law School, a mile and a half. After lectures I walked another mile to the office where I was a student, then rode home on top of an omnibus early in the afternoon, and then around the park in my light wagon, and I slept close to an open window at night.

The following summer (1870) I went with my father across the continent, spending some time among the Indians in Nebraska, visiting California and Oregon and returning by way of Panama.

I came back in much better condition, and the following winter, under a course of treatment similar to that of the previous year, the symptoms entirely disappeared, never to return.

## MARRIAGE

My visit to California was fraught with important consequences. As my father and I were returning from the South Grove of Big Trees back to Calaveras we met another wagon going to the grove. In it was a gentleman who introduced himself to my father as Mark E. Reeves of Cincinnati. With him were his wife, his daughter, and his son, a lad of perhaps twelve years. I particularly noticed the daughter, an enthusiastic, attractive girl of eighteen, with dark brown eyes. They were going, they told us, to Yosemite. That was also our destination, and two days later I strolled out from the primitive hostelry of Mr. Hutchings in the valley to the little bridge across the Merced River to meet their cavalcade as they rode up. From that time we travelled together, and when the file of riders wound through the woods there were generally two who lagged behind the rest. The scenery was superb, the air exhilarating, the companionship delightful. Our party remained together the rest of the summer, going to Portland and the Columbia River, and afterwards to Los Angeles (which was then a village). We travelled by the Holliday line of steamships, for there was hardly a railroad in that part of the country.

We separated late in the summer, my father and I to return by sea via Panama, and Mr. Reeves and his family by rail. I visited them at their residence in Richmond, Indiana, the following winter on my return from Nebraska, whither I had gone, charged with assisting in the defence of five Winnebago Indians indicted for scalping a white man.<sup>2</sup> It was not long after this that our engagement was announced. The following summer Mr. Reeves and his family sailed for Europe and were gone over a year. I joined them in Sweden in June of 1872 at a little town called Lila Edet on the Gotha Canal. We all travelled together during the summer, and the marriage took place in Paris at the

<sup>2</sup> See Protean Papers, p. 193.

American Legation on the 10th of October. We had our wedding journey in Spain, returning to America early in the winter, when I resumed the practice of the law in which I was by this time actively engaged. Looking in retrospect upon a married life of fifty years, I think few have been more happy. Six children were born to us. Two of these, a little boy and girl, passed away in childhood. Four daughters remain, all married and with families. I cannot recall that during all these years we have ever had from any child an angry or reproachful word or look.

#### BLOOMFIELD

It was not long after our return from Europe, following the wedding journey, that we went to live at Bloomfield, New Jersey. Here we resided for about three years, the expense of a residence in New York being too great for our income. We kept house in quite a simple way. I went back and forth to my law office every day and carried a basket for the household provisions which I bought in Washington Market on my way home. But at this time I was engaged in a long case before a referee: the case of Dr. Foote against the Middletown Insane Asylum. The testimony taken at the hearings by the stenographer became so voluminous that it would fill the basket and sometimes I had to bring this testimony home to work on the case at night. On such occasions there was often little to eat, so that it became an object of great interest to my wife and the cook, when the basket was opened, to see whether it was filled with chops and chickens or with papers in the Foote case.

Bloomfield was then an old-fashioned New Jersey village with an ancient stone church at the end of the green and with a fringe of newer houses on the outside. There were frequent robberies in the place (which was only an hour's distance from New York) and there was no local police. We had a burglar alarm in our house, and Theodore, our coloured servant, had an antiquated pepper-box pistol which he used for the defence of the property. He slept in an attic room where there was a little balcony. Whenever the burglar alarm sounded he would seize the pepper-box, rush out to the balcony, and as the thief ran away from the house

he would try to pepper him with shot, but so ineffectually that after a while the burglars did not even take the trouble to run but would walk off leisurely while Theodore banged away at them in vain.

At last the citizens of Bloomfield had to organise their own police, and we took turns ourselves in patrolling the town. We went in pairs, and our turns came once every month. We never caught anybody, but when our patrol became known the robberies diminished, though they increased in neighbouring towns. We afterwards found that the burglars had a house in the next block to ours which they had packed with plunder taken from the neighbourhood. In spite of the poor police arrangements, the Jersey courts were good, and little mercy was shown to the delinquents when they were caught.

## LAW PRACTICE IN NEW YORK

I had begun the practice of law while still at the Law School, as a clerk in the office of Davies and Work, one of the leading firms of the city, in which Henry E. Davies, formerly Chief Judge of the Court of Appeals, was of counsel. After my graduation I had formed a partnership with one of the students in my class, a middle-aged man, Francis Malocsay, a Hungarian refugee. We opened offices in modest rooms at the corner of Broadway and Liberty streets.

One of our first occupations was the selection of an office boy. We chose him by a very imperfect kind of natural selection, to wit, merely upon his looks. We had advertised in one of the daily papers, and when we came down in the morning there was a long line of boys in the hall and on the staircase all the way from the street. It was an aggregation containing much physical deformity and mental imbecility. After a brief enquiry into the respective disqualifications of one after another of the applicants, we took George upon the strength of a pair of bright eyes, a cheerful, merry voice, and intelligent, handsome features. But we soon learned

"There is no art  
To find the mind's complexion in the face."

George was bright enough, but he was one of the greatest little rascals on the face of the earth. At first we thought he was a marvel. He could serve legal papers better than any one I have ever known. Once we wanted to serve a summons upon Daniel Drew, a well-known "financier," but then apparently in hiding. Nobody could find him, and a number of suits against him were hanging fire on that account. I despatched George to serve him with the papers. After a few hours he returned and cried triumphantly: "I've done it. I went to his house and they told me he was sick, but I sat down in the hall and said I'd wait till he got well. The butler ordered me out but I wouldn't go; then he went into a back room to talk with somebody. I felt sure Mr. Drew was there, so I followed and opened the door and served the summons on him in bed." Our claim was among the few that were paid. It is easy to see that such a boy was valuable in a practice which, like that of most beginners, consisted largely of claims against decrepit financiers and other lame ducks.

Moreover, George seemed to have a great number of clients of his own whom he brought to the office. We could not understand how it was that he had so many friends who wanted to engage in litigation, until one day one of these clients related to us George's accounts of our wonderful influence over judges and our control of juries which inevitably lured victory to perch upon our banners. I had noticed that whenever George brought a new client there was pretty sure to come a request for an increase of wages, so that the little scamp had his own interest in the general prosperity of our business.

I caught him, however, several times *in flagrante delicto*. Once when I sent him to copy a record at the Registrar's office, I spied him playing billiards, and when he came back there was a cock-and-bull story that some one else was using the book so that he had to wait for it. He got into trouble at last with the police and we had to discharge him. Thereupon a little Frenchman, the keeper of a restaurant near by, appeared with a long bill for lunches furnished to George, claimed that he had given him credit because he worked for us and wanted to know if we would not pay. It was monstrous that such a bill should be repudi-

ated. *"Si j'étais un tailleur, monsieur! Le tailleur on paye quand on veut, mais pour la nourriture!"*

The law practice of the firm of Foulke and Malocsay grew slowly. Our arrangements were very primitive. We two with the office boy composed the entire establishment; later we had a student. Our method of keeping accounts was simple. If we had to pay the office boy or buy coal I took one-half of the money out of my pocket and Malocsay took one-half out of his. When a fee came in we cashed the check and divided it in the same way. Our offices were just under the rooms of the Associated Press, and boys kept running up and down the stairs back of us all day and all night with messages to and from the different newspapers. We sometimes looked down upon curious sights from our windows: the procession, for instance, when the Grand Duke Alexis came to New York; and the great crowd which assembled and waited in vain for hours to see a man fly from Trinity Church steeple up to Fulton Street, as announced in the morning papers, the announcement being a hoax by the actor Sothern, who was a great practical joker.

We had a good deal of law business in Brooklyn, where my partner lived. One day we went together to try a case in the City Court there and found no ferry boats running and the river covered with ice. Upon this we walked across in safety, arriving before the opening of court. When the judge was told what we had done we were rewarded by the announcement that he wouldn't require the attorneys on the other side to do any such thing as that, whereupon he postponed the case.

I recall a trial where our firm had been retained by a widow to collect money on a life-insurance policy which her husband had taken out a year or two before his death. The insurance company defended the case upon the ground that the deceased had represented that his heart was in sound condition, whereas he was then suffering from a serious valvular lesion which subsequently caused his death.

The trial took place at Riverhead, then a little country town in the eastern part of Long Island. My partner and I were astounded when the physicians of two other New York insurance companies both testified that a few days before the policy was

issued they had examined and rejected the man on account of organic disease of the heart. The case seemed pretty dark for us, but fortunately the two doctors did not quite agree as to the symptoms. I cross-examined them thoroughly as to their knowledge of the valves of the heart as well as a lot of other things which were mere jargon to the jurymen. On the whole the physicians sustained themselves fairly well, though there were trifling inaccuracies. They were decidedly conceited as to their own attainments.

In the meantime a plain-looking country doctor who happened to be a witness in another case was sitting near me. He seemed irritated at the superior airs of his city brethren and pointed out to me some weak points in their testimony. It occurred to me it would be a good thing to call him, and I did so. The examination was to the following tenor:

"Doctor, how long have you been engaged in the practice of medicine?"

"Thirty-seven years."

"Where?"

"Right here, sir, in this immediate neighbourhood."

"Doctor, I desire to call your attention to the following symptoms and ask what disease of the heart, if any, they indicate."

Here I repeated all the symptoms testified to by both the physicians called by the defendant. *I was very particular not to leave anything out.* His answer was:

"No disease under the sun."

"What do you mean by that?"

"I mean that such symptoms as you describe cannot possibly all exist together."

"Have you ever examined a man to see if he had any organic disease of the heart?"

"Hundreds of times."

"How can you tell?"

"Well, I just put my ear close to the heart like this (showing the jury) and then if I hear something that sounds like the purring of a cat I know that he has some organic trouble."

By this time the jury had pricked up their ears. Here was no stranger, no conceited city man talking about a stethoscope

or sphygmograph, and a lot of other incomprehensible things with unpronounceable names, but this was the good doctor who had pulled them safely through their own afflictions, who had brought their babies into the world and treated them for measles, mumps and scarlet fever. There was no humbug about such a man as that.

Now there had been no evidence of anything like the purring of a cat. What then could be plainer than the conclusion that if these foolish city doctors found anything wrong it must have been some mere temporary and functional disorder which did not invalidate the written representations made by the deceased?

I became quite impassioned in my closing address. I resented with special bitterness the contention of the other side that we had offered no evidence to contradict the physicians they had called, and I read to them with great solemnity the certificate made in the policy by the company's own physician that the man was sound. I was proceeding to demolish the medical attainments of the two city upstarts and to draw the inevitable conclusion from the absence of all "purring" in the heart of the deceased. I knew the jury was with me, but suddenly I felt a tap upon my shoulder and heard the word "Stop" from the lips of my partner. "The case is settled. They give us seventy-five per cent of all we ask."

"The jury will be dismissed," said the judge, and he added, "The only thing I regret is that I couldn't hear the end of that purr-oration."

I grew very fond of my profession. There was a keen delight in preparing new schemes to circumvent the adversary and, in jury trials, to convince the twelve honest men and true that all the merits of the universe encircled the cause of the client whom we represented. Lawyers are often accused of saying on behalf of their clients things they do not believe; of seeking to

"Make the worse appear  
The better reason to perplex and dash  
Maturest counsels."

I think their shortcomings do not lie so much in that direction as in the line of another frailty of human nature, and that is the



tendency, after one has once become a partisan, to see things only through glasses so strongly coloured that the white light of truth will not pass through. I do not think I ever accepted a retainer when I believed that my client was lying to me or was giving me a case tainted with fraud or injustice. But it is not a hard thing to believe your client. He can nearly always put his side of the question in the best light, and once having made his cause your own, it is not hard to believe that it is always the other man's contention and the other man's evidence which is replete with iniquity.

The clients of young lawyers (and mine were no exception) are often queer fish. Once after the firm of Foulke and Malocsay had dissolved, I was sitting at my desk after everybody else, office boy and all, had gone home. A faint tap was heard at the door. "Come in," I cried, and there entered a small young man with a thin, pale face and pointed chin, with a sharp Hebrew nose, greasy, black hair and soft, dark eyes. He was none too clean in appearance. The stubble of a very black beard was upon his cheeks and chin. He wore a shabby fur cap and a long caftan trimmed with fur reaching nearly to his feet. He walked in very quietly—you could not hear his step upon the carpet.

"Is lawyer Foulke in?"

"He is."

"Is this lawyer Foulke?"

"It is; what can I do for you?"


"Mr. Foulke," he began in a singsong voice, "I belong to de congregation Chebra Kadisha Ahaveth Joseph, vitch has a synagogue at de corner of Elderidge unt Division Street in a beelding vitch is owned by Felix Marx, unt de synagogue is in de tird story of de beelding, at de top. Unt vat you tink dat Felix Marx does? He rents de *second* story of de beelding to de congregation Chebra Kadisha Ahaveth Israel, and sometimes dere is some strangers dat come and dey would gife a leetle money to de synagogue, but dey stop on de vay up at de odder congregation, for dey don't know de difference; so ve don't get none of de money at all; and den Felix Marx he promise us dat he put in a great big vide iron staircase up to de synagogue, but instead of

dat he leave in a dirty little vooden staircase, unt if der vas to be a fire in dat beelding not a soul vould escape alive. Unt de place vere he vos to put dat new staircase, he rent dat place to a butcher! Mister Foulke," he concluded, in an insinuating voice, though somewhat exhausted by the above recital uttered all in one breath, "Mr. Foulke, don't you tink you could get injunction against dat butcher?"

I confess that the thought of seeking retribution at the hands of the butcher for the sins of Felix Marx struck me as original, but the remedy happened in this case to be an easy one. So I told my visitor to leave the matter with me and I would see what could be done. I reported the premises to the Department of Buildings as dangerous. An inspection showed that the complaint was well founded, Marx was ordered either to tear down the building (an ancient wooden structure) or else to put in a fire-proof stairway up to the synagogue. Within two weeks the butcher was ejected and the work began. That any lawyer in New York could reach such a result so quickly was a marvel to the congregation Chebra Kadisha Ahaveth Joseph, and I soon had the greater part of the business of the members of that congregation. This business was of a motley character. My original client was overtaken not long afterwards by misfortune. He had been engaged in the fur business and he had a partner, one Harris Levy, who bought and sold the goods and furnished the experience, while my man supplied the capital. But the affair ended with that exchange of capital for experience which is not uncommon in such cases; for one day my client, who had committed some trifling misdemeanour, had been arrested by the police, ready enough to pounce upon a poor devil of a Jew, and had been locked up in the station house overnight. Next morning when he was set at liberty and went back to his little shop he found it entirely empty; caps, gloves, muffs, every vestige of anything salable, had disappeared together with his thrifty partner. He came to me tearing his hair and besought me to rescue him from ruin. I told him nothing could be done till we had first discovered where the stock had been hidden. It seems he suspected a certain pawnbroker in Center Street, but he had no proof, and the pawnbroker vigorously denied ever hav-

ing seen such a thing as a stock of furs. Some detective work was necessary and as there was no money with which to employ any one else, I undertook the task myself. I prepared the papers in a replevin suit against the delinquent partner and the suspected receiver of the goods, alleging fraud and conspiracy; and pocketing the summons and complaint, I went to the shop of the pawnbroker, clad in a rather shabby suit of clothes and with as guilty a look upon my face as I could manage to put on. There were one or two other persons in the shop. I called him aside and told him I wanted to speak to him particularly on some private business. He answered gruffly, "Ve don't do no private beesness here," but when I pulled out of my pocket some jewels of considerable value and showed them to him he added in a lower tone and with a suggestive smile, "But I vill see you." Thereupon he conducted me through a dark passage leading to a little room in the rear of the store. On the way through the passage I noticed that there were some shelves on the right-hand side, and as I followed him slowly I put out my hands along the wall to find out what they contained. I felt the soft touch of fur against my fingers and, suddenly striking a match and taking one of the caps in my hand, I found in the inside the name of the firm to which my client had belonged. The pawnbroker turned upon me and asked what I was doing, whereupon, quickly putting back the cap upon the shelf, I produced from my pocket the copy of the summons and complaint in the suit and served them upon him. He was wild with rage, jumping up and down in his excitement. I did not stop to listen to his ravings, but made my way back to my office, where my client was awaiting me and I communicated to him the happy result of my enquiries.

It was some months before the case could be brought to trial. One day I was walking up Broadway on my way home when whom should I meet but my client. He was looking more cheerful than I had seen him at any time since his calamity, and he had with him a stout, florid Hebrew with a red necktie and a large diamond pin in his shirt. He said to me: "Mr. Foulke, I vant to present you to my friend, Mr. Emmanuel. Mr. Emmanuel, dis is my lawyer, Mr. Foulke." Mr. Emmanuel seemed to be quite well acquainted with the state of affairs in regard to the



suit, for, taking me apart just around the corner of a side street, he asked me:

"Dis case against Mr. Harris Levy and de pawnbroker, ven will it be tried?"

I told him probably in a few weeks; whereupon he added, handing me his card:

"Now, Mr. Foulke, before dis case comes up I vant you to tell me *shust exactly vot you vant to prove and shust so many vittnesses you vant, you shall have dem.*"

I made no answer and turned away, at which he seemed greatly surprised. He evidently could not understand the conduct of a lawyer who would not seize such opportunities. I soon afterwards settled the case, a settlement favourable to my client, but my motive in making it was largely the fear that although the case was a just one, it might be supported by manufactured evidence.

I had charge of certain pieces of property in Chatham Street leased to Hebrew tenants, and on the first of each month I used to betake myself thither to collect the rent. On one occasion I found the shop of Mr. Samuels, one of these tenants, closed, and in the door was the announcement of an assignment in insolvency proceedings. Failing to gain admittance, I returned to my office, to find Mr. Samuels awaiting me. His first remark was, "Maybe you vas up to de store to get de rent."

"Yes, I have just come from there, and I found a notice that you have failed in business and have made an assignment."

"Yes, ve had a leetle misfortune, but *de rent is all right*, Mr. Foulke."

Here he produced a corpulent roll of bank bills from his pocket, from which he counted out the requisite sum.

"You vill please make de receipt," he added, "in de name of L. Samuels and not in de name of Myer L. Samuels, and if you should ever go up dere again and find de door closed and a notice like dat—a notice of an assignment—you shust give two raps and den three raps like dis (showing me), an' ve let you in. For *de rent is always right*, Mr. Foulke."

Although a large city is the place of widest opportunity for the old and experienced practitioner, it is by no means the best

place for a beginner. If he has conducted a skilful cross-examination or made a good speech to the jury, the fame of it is not spread abroad as it would be in a country town. The people of a great city commonly take little interest in the ordinary proceedings of their tribunals, although some who are actually present when a young lawyer makes a hit may afterwards be of service to him in his career.

I remember a small case I once had in one of the District Courts against a publisher. The man had attempted some trifling deception and in an impassioned appeal to the jury I held up his conduct to reprobation, denouncing him with vehemence, and I won my verdict.

That afternoon I saw him walking into my office. My first impression was that he had come to commit some act of violence, and I rose rather quickly from my chair so as to be ready for him. But, no! In the friendliest manner possible he laid before me the facts in two other cases much more important than the one in which I had just defeated him, in which he claimed that he had been wronged and he wanted me to pound the other fellow in the same way I had just pounded him.

While I was young in practice I improved every possible opportunity to attend celebrated trials. Among these was the Jumel will case. I also heard a part of the closing arguments in the suit brought by Theodore Tilton against Henry Ward Beecher for criminal conversation. I remember well a passage in the speech of William A. Beach, the leading counsel for the plaintiff. His diction was superb. Looking over the delegates for Plymouth Church, who attended in large numbers, he said: "The defendant's counsel wished for the hundred eyes of Argus; he has them (sweeping his hand toward that part of the room occupied by this delegation), and more too. He wished for the hundred arms of Briareus; he has them, and more too. And he had no need to wish for the gold of Midas, for he has that a hundred fold."

#### REMOVAL TO INDIANA

But I was not long to have the advantage of hearing these displays of forensic oratory. Although my law practice in New

York had been quite as good as a beginner had a right to expect and was steadily growing, there were family reasons which made it desirable for my wife and me to go to Richmond, Indiana, where her parents resided. I had received an offer of partnership from one of the leading lawyers of that place, Mr. Jesse P. Siddall, who was the local counsel for the Pan Handle Railroad Company, a part of the Pennsylvania system. I accepted this offer and, after turning over the cases on my docket to Mr. William W. Ladd, an able lawyer and one of my former colleagues at the Law School, I gave up my New York office and my Bloomfield home, and early in the year 1876 removed to Indiana.

## CHAPTER II

### LIFE IN INDIANA

FROM the abyss of the tumultuous street,  
The roar of the great city and its glare,  
The multitude whose feverish pulses beat  
With evanescent hopes and wild despair,—  
In my young manhood did I come to thee,  
And found the balm of thy serenity.  
And evermore, threading thy quiet ways,  
Reclining by thy hesitating streams,  
Where sheltering sycamores hid me from the blaze  
Of summer suns—half waking, half in dreams—  
I did perceive thy sylvan beauty grow  
Into my soul until I came to know  
I loved thee, that thy heart had answered mine;  
And all the more, now that my days decline,  
Thy spirit broods upon me. Not the sea,  
Nor the unutterable majesty  
Of Alpine peak, nor the white foam and spray  
Of glittering cataract can so win their way  
Into my heart. I have dwelt with thee too long  
To love another while thy beech trees bend  
Their lowly limbs to greet me as a friend,  
And take from me the tribute of a song.

—*To Indiana, Centennial Ode, 1916.*

### THE RICHMOND HOME

My life has been a singularly happy one. It has had no disastrous episodes, no serious disappointments. Doubtless this was partly due to the fact that ambition has not often outrun the attainable and that I have been content with such good things as have fallen to my lot, among them a home life ideal in its external setting as well as on its spiritual side and such companionships and friendships as have been stimulating at the time and, for the most part, steadfast throughout many years.

This home life has centred in a place far removed from the city

of New York. Richmond, Indiana, was to be my abode for the rest of my life. In 1877, the year after coming to Richmond, I purchased my present residence, with a tract of three acres on the outskirts of the city. The house was an old one, a substantial brick structure, to which, some ten years later, when it became hard crowded by books and babies, an addition was made containing a large room for a library. This has been to all the family a source of continuing delight. Here against the long walls on either side are the books, a collection which, modest enough in earlier years, had grown beyond the capacity of the original house and embraced several thousand volumes in various languages and on all sorts of subjects. Such a collection has a way of constantly growing, and this one has now overflowed into still other rooms, so that to keep down the number of books, many that have served their purpose and are no longer needed are sent to the public library each year. Above the long bookcases lining the wall, and indeed wherever else they can be placed, are bronzes, marbles, plaster casts, armour, weapons, and other curios, and wherever there is wall space are hung paintings, gathered from year to year in various parts of the world, which furnish representative examples of the Italian, Dutch, Spanish, German and other schools from early times down to the present day.<sup>1</sup>

Here is an old Flemish tapestry, there a Renaissance cabinet in ebony and ivory. There are antiques of many sorts, from Babylonian tablets and Aztec effigies to coats of mail and early Norse implements. Little system has been followed in the choice, yet the specimens are most of them beautiful and living with them has had a decided influence in the education of our children, and later of our grandchildren, who often come for long visits to the family home.<sup>2</sup>

<sup>1</sup> By careful selection in all sorts of places a good deal that is valuable has been collected. I once bought in a junk shop in Berlin an old painting of the Virgin and Child with St. Elizabeth and John the Baptist. It was in bad condition and in restoring it and taking it off of a second canvas which had been used as backing, it was identified by an authoritative expert as a painting of the school of the Carracci.

<sup>2</sup> One little girl, even before she could read, once stood before the rows of books, stamped her foot, and said indignantly, "There you



My study is upstairs, a large, well-lighted, airy room—the best room that ever a man had to work in—with a broad table in the middle and another in the corner for my secretary. Along one side is a long book-case with a working library, and on the wall above hang copper plates and etchings by Dürer, Rembrandt and others. Over the mantelpiece is a steel engraving of Roosevelt, and in winter there is a bright wood fire on the hearth below.

There are trees not far from the windows and rose vines on a trellis where the birds sing through the long summer days. I hear doves and orioles, robins, redbirds, and meadow larks, and some of them stay through the winter too. There are others less attractive, sparrows and owls and innumerable flocks of black-birds which fly north in the spring and south in the fall. I do not know the names nor the songs of all of them, but I feel a good deal as Shakespeare did about the stars when he wrote:

“Those earthly godfathers of heaven’s lights  
That give a name to every fixed star  
Have no more profit of their shining nights  
Than we who walk and know not what they are.”

There is delight not only in the songs but in watching the songsters build their nests and rear their broods close to the windows.

The grounds have flowers in abundance, both native and exotic, while palms and other tropical plants come out each spring from the greenhouse and go back each autumn. These are the special care of my wife, who is filled with delight when Jacob, the gardener, brings in some choice specimen for writing desk or dining table.

Why speak of all this which is the common experience of so many? Because it is part of that quiet joy of daily life, which is after all the greatest thing on earth and which has so attached us to this home that we would not change it for any other in the world. We love the sweep of the lawn, the silhouettes of the

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are, and you’ve got such beautiful things in you and I can’t get at them.” Another child, at the age of four years, gravely introduced a farmer visitor to “her friend, William Shakespeare,” whose full-length figure adorned a stained glass window close at hand.

pine trees against the evening sky, the Triton in the fountain, the Pan among the bushes, the carved Venetian pozzo with its flowers, and the wild grapevine that climbs over the branches of the dead pine tree, clothing it more luxuriantly than ever did its own foliage.

This is the scene against which as a background our daily life has been projected.

The change from the bustle of a metropolis to these more quiet, yet more attractive surroundings was a radical one. Richmond was at that time a prosperous city of about fifteen thousand inhabitants in the midst of a fertile and attractive agricultural country. The city depended largely upon its manufactures, chiefly of agricultural implements. It was known as "The Quaker City of the West," having been settled near the beginning of the nineteenth century by members of the Society of Friends who had immigrated thither in considerable numbers, principally from North Carolina, on account of their objection to slavery.

The town was attractive. There were few fine residences, but there were no slums; little that was ambitious, but a great deal that was comfortable; no fashionable society, but no "submerged tenth," and none of the social struggles common in the larger cities of the East. Nearly all the inhabitants, including a great many of the workmen, owned their own homes with trim door-yards in front of them.

There was, moreover, an intellectual atmosphere of a rather simple kind. Just west of the town lay Earlham College, a substantial Quaker institution. There were literary societies, scientific societies and a public school system which was then one of the very best in the country.

We remained, during the first year, at "Reeveston," the home of my wife's parents, a country place of some ninety acres east of the town. The grounds were well laid out and contained a small deer park, a conservatory, and a lake for fish and swans.

At the end of this year I purchased the home which I have just described. It was separated from "Reeveston" by only one intervening place and was situated in the town of Linden Hill, a village embracing about eighty acres adjoining Richmond and containing perhaps a hundred inhabitants. This was then quite

a rural neighbourhood and formed a separate corporation. The town government was for many years administered by three trustees, of whom I was one. Our house was the town hall, and the deliberations of the three trustees took place in our dining-room. The only remaining functionary was a man who held in his single person the office of town clerk, treasurer, assessor, and marshal, at a salary of seventy-five dollars a year. Our annual budget was two hundred dollars, and the taxes were proportionately moderate until the general growth of both the village and the adjoining city led to our inclusion into the larger unit.

#### THE CHARM OF INDIANA

It was not only in our immediate surroundings that the new life in Richmond became a source of happiness. The Indiana landscape, Indiana life, and the art and literature which sprang from them, soon became congenial.

When one travels through this Western country or stays in it for a few days or weeks only, he will find little to charm his imagination; the land is flat or gently undulating, the woods and streams and fields have little at first to startle or attract the eye. But it is well known that painters do not find the best subjects for the brush in the sublimities of the Alps or of the ocean, but in such quiet and homely scenes as are found, for instance, in the lower reaches of the Seine, to which so many distinguished artists have been drawn. The picturesqueness of a plain agricultural landscape often transcends for the purposes of art the boldest and most impressive natural scenery. It is in this way that the charm of an Indiana landscape creeps into the soul. It is closer and more intimate than more ambitious scenery. There is a peculiar attraction in the Indiana river bottoms, where the creeks wind sluggishly over their limestone beds underneath arching sycamores. These trees with their smooth, mottled trunks, as well as the beeches whose branches sweep close to the ground are peculiarly typical of this section of Indiana.

It is this homely quality of the landscape which has led to the development of the Indiana school of painting, the work of men who have had no very wide range and who have done noth-

ing startling in the world, but whose productions have been infused with the spirit of tranquil beauty and poetry which is often lacking in more ambitious efforts. And the taste of a considerable body of people has been permeated with an appreciation of this beauty in art and literature which was no doubt accentuated by the spiritual hunger of those who were far away from the immediate means of gratifying their tastes and who, therefore, themselves developed the things they longed for. This homely quality of the soil has also led to the growth of a corresponding literature, the poetry of Riley, the character sketches of Abe Martin and some of the novels of Tarkington. Indiana literature, whatever be its merits or defects, has its roots in the soil, and the villages and the countryside have formed its background.

The homespun ways of the rural population and the so-called Hoosier dialect, which has now all but passed away, furnished a natural embellishment to our literature. It was amid these surroundings that there arose a remarkable activity of the people in literary clubs and similar associations. These were scattered everywhere throughout the state and for some time were perhaps most prominent in this city of Richmond. Our Art Association is an illustration. It has had a widespread influence and has been followed by similar organisations in many other cities.

#### THE ART ASSOCIATION

Some twenty-five Richmond people who were interested in painting and sculpture and who had good pictures in their homes determined to have a public exhibition for the benefit of the city and organised an art association for the purpose. The exhibition was held in one of the public school buildings and was free to all. It consisted chiefly of pictures loaned by the citizens. The display was a creditable one, and it was determined to repeat the experiment and finally to organise a permanent association. We were fortunate in choosing for our president Mrs. M. F. Johnston, who had taken an absorbing interest in the enterprise and who devoted time and unflagging energy toward making the movement a permanent success. The expense was very little, only

a few hundred dollars a year. The aid of the superintendent of schools was enlisted in the work, and painters in all parts of the country willingly sent their productions for exhibition. Then bronzes and marbles were added to the collection, as well as tapestries and a good deal of bric-a-brac of considerable artistic merit. A little later a New York man, who had formerly lived in Richmond, gave five hundred dollars a year for a number of years to purchase a picture to be selected by the association. One of the members gave two prizes, one for the best picture exhibited by an Indiana artist, the other for the best work by a local painter. It was astonishing what an amount of competition these prizes elicited, not for their money value, which was slight, but for the reputation acquired in winning them. We had a number of local artists, and the quality of their work, sometimes crude at the beginning, has gone on improving until some of them are well known to-day over the country. In connection with our exhibition there was usually a reception the opening night, and painters from other cities—Cincinnati, St. Louis, Indianapolis and Chicago—who had been brought in as members of a committee to pass upon the pictures, often gave us addresses upon subjects connected with their work.

The City Council made an annual appropriation for the movement, a thing until then quite unheard of in this country. Later the School Board began to take a more direct interest. When a new High School building was erected, three large, beautiful rooms upon the upper floor, lighted from the ceiling, rooms well designed and equipped, were devoted to the Association, and a part of the expense of the exhibitions was assumed by the Board. One of these rooms is now occupied by the permanent collection of the Association. For during all these years we have gone on buying pictures, and a great deal of care and very good taste were shown by our various committees in their selection. A number of paintings have been given to us, and though we have not accepted all that have been offered, there are now by purchase and gift some forty pictures of excellent quality in a room which is open to the public. Among these are first-rate examples of Wm. M. Chase, Robert Reid, Ben Foster, Frank Dumond,

Leonard Ochtman, John Johansen, Albert Groll, and of such men as Steele, Forsyth, Adams, and Bundy of Indiana. The work of the Association kept expanding. Our temporary exhibitions have now increased from two or three a year to eight or nine, so that it is rather an unusual thing if there is not one of them to be seen in these rooms, in addition to our permanent collection. It may be a collection of water colours, of etchings or of specimens of decorative art. Just at the entrance of these rooms is a fountain, "The Boy with a Tortoise," one of the best bronzes of Janet Scudder. One of our late acquisitions is an admirable portrait of Wm. M. Chase painted by himself. The Association has done all this out of an amount of money collected from its members not exceeding, on an average, a thousand dollars a year.

The success of Richmond in this experiment has been so great that other cities of Indiana and elsewhere have followed our example. The students in the schools visit the collections as part of their regular work, some of them copy from the paintings or use them as themes from which to develop their own studies or for the purpose of describing and criticising them in written compositions, and at the end of each school year exhibitions of their own work are given. The galleries are also used as the meeting place of the Art Study Club, the Music Study Club, and for other similar purposes. They are indeed a social centre for many kinds of cultural interests and are useful to the city in many ways outside their primary purpose as an art gallery.

#### LOCAL COLOUR

But I must now return to an earlier period.

There is a good deal of local colour in a place like Richmond, and many genial personal incidents rise in my memory connected with our neighbours and friends. For instance, there were the Jacksons, who lived next to us. There was always something happening there. More amusing things occurred in that household than in any other that I ever knew. For instance, we were much pestered, in our little suburb of Linden Hill, by cows, which at that time were permitted to run at large. Some of them showed

great dexterity in opening gates and entering premises where their presence was not desired. Mr. Jackson determined that this nuisance must be stopped. One night I heard a cow moving through the thicket on the Jackson side of the fence, then a shot rang out in the darkness, and an animal pranced down the lane, opened the gate and disappeared. Next morning Mr. Jackson's own cow was missing. A long search began and she was at last found with large quantities of small shot imbedded in her skin.

One day Mr. Jackson's brother John, a portly man, came upon a visit; his host hospitably offered him what was supposed to be a glass of whiskey; but when he drank it, it did not taste like whiskey at all. It was arnica. Would arnica poison a man if taken in such quantity? No one knew. His brother drove post-haste to the doctor to see if the dose was mortal and if so whether anything could be done. Hours passed and he did not return, while John writhed and groaned, expecting sudden dissolution. Near the close of the day the brother appeared and John enquired what was to be his fate. "Oh, the doctor said there was no danger and no need of doing anything, so I went about my business."

"The devil you did!" exclaimed John in a fury, "and left me here suffering the torments of the damned."

Mrs. Knott, the aged stepmother of Mrs. Jackson, who lived with them, was a kindly, unselfish soul whom everybody loved. She was a beautiful dancer, and Mr. Jackson was very fond of dancing an Irish jig with her. It was a joy to see them, the strong burly man and the little creature of more than eighty years whose feet still tripped like a fairy's with all the relish and enjoyment of youth.

The very guests of this household were interesting and amusing. There was Jehiel Railsback, for instance. Jehiel was not distinguished for courage and instead of going to the front in the Civil War, he had appropriately joined the Home Guard. A story was told that on the occasion of Morgan's raid in Indiana and Ohio, the Home Guard was called together and the captain, like Pizarro, drew a line upon the ground and said, "All who are ready to go with me to meet the invader, step across the

line," but no one stirred. He drew another line, "If the foe comes to Eaton (a town fifteen miles away) all those who will go with me to meet him there step across the line." Still no one stirred. He drew another line, "If he comes to the state boundary (four miles away) all who will go and meet him there step across the line." Still there was no answer, until Jehiel, stirred by patriotic zeal and awake at last to the need of doing something, cried out, "Make it a mile, Captain, and I'm with you."

Another man who contributed largely to this local colour was a former Episcopal rector, a man of saintly life, universally beloved by the members of his church and respected by the community, but abnormally absent-minded. He was continually doing extraordinary things. He once conducted a funeral procession, not to the cemetery but to the livery stable where he kept his horse, having forgotten, while he was driving, the mission upon which he was bent. On another occasion, having got his notices mixed, he announced from the chancel that "Elizabeth Starr had died and that her funeral would take place at four o'clock every Tuesday and Thursday afternoon during Lent."

#### A FOX HUNT

The average Hoosier rural community is very democratic. I had not been long in Indiana before I was introduced to a characteristic local institution, an Indiana fox hunt. This was not a "meet" in the English fashion, with horses and hounds. There was no leaping of fences and hedges in a wild chase, but something far more plebeian.

The day was appointed some time ahead; posters were printed and set up at all the cross-roads and toll-gates in the neighbourhood for miles around, and notices published in the local papers giving the time, place, and manner of conducting the hunt.

A quarter section of land was selected where it was thought that foxes could be found and where there was an open field in the centre. Sometimes as many as five hundred or a thousand persons would come together. Those who took part in the hunt were distributed somewhat after the fashion of an army investing a city. They were organised into four "regiments" as nearly equal



as possible, one of which was to advance from each point of the compass. There were no uniforms, however, and the "army" was not at all military in appearance. A "commander-in-chief" was selected to conduct operations, and each of the advancing parties was commanded by a "colonel." These, with a few "staff officers" and "aides" to carry instructions to different parts of the field were the only men on horseback. The rest were on foot. Each man must come provided with one or more instruments for making a diabolical din. Drums, Indian whistles, "toot horns," tin pans, cymbals—all were admissible, provided they would make noise enough, and a small cannon was generally on hand to give the signal for starting. The men were "deployed in skirmish line" from twenty to one hundred feet apart, and to every dozen or fifteen men a "captain" was allotted to see that they advanced in regular order and that the spaces between them were as nearly equal as possible.

When the cannon gave the signal, all started and advanced slowly in converging lines toward the centre of the section, making the greatest noise they could, screeching, yelling, whistling, pounding drums, and beating the bush. The foxes naturally retreated toward the centre of the quarter section. The men thus came closer together as they advanced, and when they reached the open space agreed upon they formed a circle from which there was no chance of escape. Sometimes they would meet to find they had had their trouble for their pains and to laugh at each other over the disappointment. But generally there were three or four foxes in the space inside the ring. Then one was selected as the first to be caught and some stout young fellow volunteered to run him down. Round and round the ring they went, the fox in front, the man close behind. When the pursuer became tired, another took his place and then another until at last the fox was caught by the tail and his head dashed against the ground.

Another fox was then caught in the same way, and after all were disposed of they were put up for sale at auction and struck off to the highest bidder, some local wit acting as auctioneer.

The farmers brought their families and took lunch together in some neighbouring grove, and in this general reunion other im-

provided forms of amusement completed the entertainment of the day.

THE FAMILY

As the years went by I absorbed the Hoosier spirit more and more. True we did not spend all our time in Indiana. We travelled a great deal in Europe, where our daughters received a good part of their education. Since their marriages they have become widely separated, and they were never so closely bound as were their parents to Indiana. But the family home has still strong attractions for them. They are widely divergent in their views, especially in their political opinions, but the deep affection they had for each other in early life seems only to be strengthened with the years, and our lively controversies over the things on which we differ have not in the least impaired it.

DRAMATIC INTERESTS

We were all very fond of acting. Caroline, my eldest daughter, was especially good in such parts as Ibsen's Nora and Shaw's Candida. Gwendolen, the youngest, studied and acted with Ben Greet, and also received dramatic instruction in Paris. She appeared, as a member of the Little Theatre Company of Chicago, in the *rôle* of Andromache in "The Trojan Women," in various cities of the country and was offered at the time of her marriage the leading parts in the Little Theatre, then just established, at St. Louis.

I loved to act, most of all in Sheridan's plays, and if I can credit such reliable judgment as that of the patients of the Eastern Hospital for the Insane (just west of Richmond), I cannot have been wholly unsuccessful, for they declared that my Sir Anthony Absolute must have been the work of a professional! It was not long ago that I took part in Lady Gregory's "Work House Ward," one of the most screamingly funny farces ever written, and the last time I appeared I was rash enough to attempt Macbeth, with my daughter Gwendolen as Lady Macbeth, on the open-air stage at Earlham College, on the occasion of the celebration of the tercentenary of Shakespeare's death.

## AT THE INDIANA BAR

The change from practice in a large city to that of a country town was greater than I had imagined. And yet it had a certain charm which soon compensated for the loss of the excitement of the metropolis. My colleagues at the bar seemed at the outset rather crude. They dressed very plainly, and many of them were quite too careless in their personal appearance. Very few of them had had the advantages of a college education. They knew, naturally, nothing of foreign languages, except for the few words of barbarous Latin jargon (often mispronounced) which they had extracted from law books. Even the English tongue was mingled with variations which grated harshly upon the ears of a newcomer. When a fellow-member of the bar would say to me, "It looks like the plaintiff will win his case," or of a man in jail, "He wants out," I could not at first so far separate the speaker from his phrase as to believe that he could really be a man of learning or ability. But after daily contact with such companions, after that competitive trial in court, which is the surest test of what a man is worth, I must say that I found the average of professional skill in this Indiana town quite as high as the average in New York City. And this was true not at the bar alone and not merely of technical attainments. The man of the West, though he shows less of the ornaments of learning, has a better perspective of life and the things that are useful in life than his Eastern brother. He understands more thoroughly his country's history and the nature of her institutions. He knows the important things in science and English literature, and, most important of all, he has shrewd sense, keen knowledge of human nature, the power of clear thinking and of fluent and forcible, if not elegant, speech.

In contrast to the mass of attorneys elbowing each other for access to the bench in the chambers of the New York Supreme Court, the bar of Wayne County at that time seemed like a large family. We all met together in the court room in the morning at eight o'clock to make up the issues and dispose of other matters preliminary to trial. At nine the jury was called. The criminal trials came first and then the civil suits, and while the various

lawyers waited for the calling of their respective cases, they would often spend the time chatting together in one of the adjoining rooms. Here arguments waxed warm and jokes and stories circulated, and here strong friendships were formed. A great waste of time it seemed to me at first, and so it was, in part; yet it was schooling like this that trained such men as Lincoln to gauge so well the temper of the people and to meet so skilfully the emergencies of many a difficult situation. I enjoy recalling some of my brethren of the bar. There was my partner, Mr. Siddall, short of stature, clean shaven, portly, venerable, mopping his well-rounded bald head when the weather was hot with a many-coloured silk bandanna. He talked little, but every word counted. He never loaded his arguments with a mass of authorities; one or two cases right to the point were enough. Sometimes there was not a citation. But I have rarely known his equal in the power of convincing the court by well-ordered, luminous thought, expressed in clear, simple words. It was he who often presided over our reunions in the court room or the library adjoining. He was a good listener to the tales and jests of the others, whose *bon mots* he rewarded with a benevolent smile. Yet he had a shrewd eye for the main chance and had acquired a comfortable competence by his profession. He was wise, not only in winning his clients' cases, but in presenting to them a bill proportioned to the good service he had rendered. Once when I suggested that the fee he proposed was too high, as we had had little to do, he answered: "But think of the responsibility!"

Then there was Judge Perry, who had lived in the county for upwards of seventy years, and who, although brought up in a pioneer community amid the roughest surroundings, bore the unmistakable lineaments of the old-fashioned gentleman. He had a slender form; a long neck, encircled by a high, black stock, finely cut features, soft grey hair, and a resolute mouth. His cheeks were sometimes inflamed by righteous anger, and on such occasions he would use language of the most forcible character, but it never degenerated into vulgarity. There was no member of the bar who ever suspected Judge Perry's absolute probity or sincerity. His regard for truth was so great that even his rhetoric had to be exact. Once when addressing a jury, he began, "Never

on God's green earth," then looking out of the window and seeing there was still snow upon the ground, he added, "or which shortly will be green, was a more unjustifiable offence committed." He had served two terms as Judge of the Common Pleas and died at last at a very ripe old age—nearly ninety—greatly honoured and loved by his associates. The tale was told of him that once when he bought a horse for which he was to give a note in payment, the seller asked for security. The Judge thereupon passed the note to the lawyer sitting next him, who subscribed his name and passed it to the next, and this was repeated until it was signed by all the attorneys in the county, whereupon the man to whom it was tendered declined absolutely to receive it, saying, "If all you lawyers are on that note, how am I ever to collect it?"

A picturesque figure that rises before me as I write is that of General Tom Bennett. He had been an officer in the Civil War, was at one time in Congress, and was repeatedly elected Mayor of Richmond. He chiefly appears in my memory as the possessor of a lurid and most reprehensible vocabulary. After his death it was said that his wife once consulted a medium desiring a communication with his spirit and that he answered asking why she was such a damned fool as to try to talk with him in that way. The answer was so characteristic that many believed the communication must have been genuine.

The most "eloquent" man among us was Colonel Bickle. The Colonel seemed to be the creature of instinct rather than of reason. He once told me that when a case was presented to him his conclusion came like a flash and that no amount of thinking ever made it more clear to him. His logical processes as set forth in some of his judicial opinions (for the Colonel was at one time Judge of our Superior Court) were often quite incomprehensible to others, and it was undoubtedly to such as he that the advice was once given, "Decide, but do not give your reasons, for although your decision may be sound your reasons never will be." As a lawyer he was great in one thing, in his impassioned appeals to the jury in cases which awakened sympathy. None could paint more vividly in a suit for criminal conversation the charms of virtue and the sanctity of home. His

imagery was superb and his words "descending like snowflakes of the winter" enveloped the delighted imaginations of his hearers.

John F. Kibbey, the judge of our circuit court, was quite different. He was not fluent in speech; his charges to the jury, always given in writing, were concise to a fault, stating the law in very few words and with surprising accuracy. He was a man of the most unimpeachable integrity, diligent and prompt, but arbitrary in his treatment of the bar, which he disciplined as if he were a schoolmaster. He held the most extreme Spenserian theories in politics and sociology. Government had no right, he said, to tax men for any other purpose than the maintenance of justice. Public schools, post offices, tariffs, national currency were, however, iniquities which he cheerfully supported, voting the Republican ticket at every election. He always believed in woman's suffrage, he once told me, until he passed the threshold of the hall of a woman's suffrage convention, when he became disgusted with the "cause" until he was out in the street again. Indeed, he always took the opposite side on everything, and those at the bar who were shrewdest used to find that the best way to get a decision from him was to say as little as possible and let him argue the case with the opposite counsel. He had a way (not to be imitated by every judge) of talking to the lawyers about their cases out of court, but it never gave those of us who knew him the least anxiety to find the judge talking with the lawyer on the other side, for we well knew that the harder the man argued, trying to convince him, the less likely he was to succeed.

#### A SCRIMMAGE

At one time I was connected with a closely contested case in which Thomas J. Study was associated with Judge Peele on the other side. We had been crowding them pretty closely, and they were becoming irritated. On one occasion I entered Judge Peele's office in order to give notice of the taking of some additional depositions. Study was there and in a very bad humour. After I had served the papers and was about to leave, he assailed me with very opprobrious epithets, but as they had no reference to anything in particular I concluded to consider them mere

evidence of his disapproval, and I walked away without answering. He followed me to the door, saying, "I want to know why you got the witnesses in this case to swear to such and such facts." This made me angry. I turned back on him, saying, "If you say that I got the witnesses in this or any other case to testify what was not true, you are an infernal liar." On a table close beside him was a notary's seal weighing several pounds. He started to reach for it. I knew that I must either run or seize him before he took it. I did not want to run, so I grabbed him. I got my right arm around his neck and he got his left arm around mine and we rolled over on the floor together. First I was on top, then he was, and then you couldn't tell which one was. Finally we got in a position side by side, each of us supporting himself on the floor by one hand. If I lifted my hand to hit him I would fall under him, and he would do the same if he tried to strike me; so it got to be somewhat like trench warfare—neither party could attack except at a great disadvantage, and the situation struck me as so irresistibly funny that I broke out laughing. The chairs had been scattered about the room in the *mêlée*, and Judge Peele and two or three others who were there now seized us by our legs and pulled us apart, whereupon I walked away.

There was a peculiar aftermath. Study was arrested by the police for assault and battery. The trial was set before the Mayor, and I was subpoenaed as a witness. We had had our fight; I didn't feel the least resentment and I didn't want to testify against him. I had a demurrer to argue that afternoon before Judge Kibbey. So long as I kept my feet arguing that demurrer I knew nobody could take me away on an attachment and compel me to appear before the Mayor. I told the opposing counsel of my predicament and that I expected to argue the case at length. He made no objection. It was a case which ordinarily would have taken fifteen minutes, but I kept at it for hours, citing all the cases on both sides and reading them at length and then starting out from a new point of view. I think Judge Kibbey knew what I was up to, but he said nothing and bore it patiently. Then I saw two policemen come into the court room. I knew they had a warrant for me, but they couldn't

serve it while I was on my feet. I took a fresh start, kept it up most of the afternoon, and did not stop until I saw Study and his counsel coming into the room. Then I knew the trial was over and desisted.

I heard afterwards what happened at the Mayor's court. Henry U. Johnson defended Study. Judge Peele was the first witness for the prosecution. He testified that "these two gentlemen had some words in his office and came together so quickly that no one could ever tell who struck the first blow."

"I will ask you, Judge Peele," said Johnson, "if from what you saw it is not your judgment that each of these gentlemen was endeavouring to prevent the other from committing a breach of the peace?"

"That was exactly it," said Judge Peele, and Study was acquitted.

It is curious how a little scrap of this kind clears the air. Study and I remained fast friends from that time until the day of his death. He was sometimes rough in his behaviour, but I have found from personal experience that he had a very kind heart.

#### RAILROAD PRACTICE

While the railroad business in the firm of Siddall and Foulke constituted only a part of our general practice, it was in the main very agreeable and satisfactory. Our work was much the same as that of counsel at the English bar, the cases being briefed by claim agents and other experts while we had charge of the proceedings in court and of the various law questions which arose there. It had formerly been the policy of the railroad company to contest nearly all these cases, but the result was a series of large judgments for damages and much expensive litigation. This policy was changed about the time I entered the firm. The great majority of the cases were compromised. Indeed, we never fought a case unless we were reasonably sure of obtaining a judgment. In the long run a great deal of money was thus saved, and much of the violent prejudice which had existed in this farming community against railroads was removed. Indeed, so successful was this plan that during the last three years of practice I never had



occasion to appeal a single case to the Supreme Court. We either settled the controversy or got a verdict in the court below. The juries became remarkably liberal to the company after it was known that we tried to treat litigants fairly. At Newcastle, in the adjoining county of Henry, we were almost uniformly successful, while another railroad company in the same county was continually compelled to pay heavy damages.

There is one delightful memory of the old days when Siddall and Foulke had their quiet rooms over the First National Bank. It was the custom of the firm on Saturday afternoons when the week's business had been disposed of, to lock the doors of the office, take out a bottle of Werk's Dry Catawba and, under its mellowing influence, sometimes with an invited guest but more frequently alone, to indulge in a general philosophic review of the past week's experiences and of the world in general.

Before many years, however, Mr. Siddall, whose health was beginning to fail, decided to retire from practice. I thereupon formed a partnership with John L. Rupe, which lasted until 1885 under the firm name of Foulke and Rupe. In both these associations there was at all times the utmost harmony between the members of the firm.

While I was in this later partnership I was elected to the State Senate, where I served four years, and during this period Mr. Rupe was elected mayor of Richmond. Neither of these positions, however, interfered very seriously with our law practice. In our respective campaigns each of us gave the other every possible support. Indeed, my election to the Senate was mainly due to Mr. Rupe, as I had been taken ill during the canvass. He managed my interests better than I could have done myself.

#### PERSONAL ASSOCIATIONS

I was also quite intimate with Charles H. Burchenal, the most learned lawyer at our bar and a very lovable and genial man to those who knew him well. I was opposed to him in many cases. One of these was Horney vs. Patterson, a suit for partnership accounting involving a vast amount of detail. The Hon. Silas Colgrove, a judge from the neighbouring town of Winchester,

had been called in to try the case. It dragged its weary length through weeks and months. The hot days of summer were approaching, we were pretty well worn out, and finally, when Judge Colgrove took to his bed, we concluded to postpone the case until the following fall. Meanwhile Burchenal and I determined to spend the summer together in Europe, where we had a beautiful time. On our return we took up "Horney vs. Patterson" again, contesting every point with pertinacity for a month or two longer. The case threatened to become another Jarndyce and Jarndyce, where the costs and fees ate up the entire amount in the controversy, but we finally agreed upon a compromise which prevented the total loss of everything at issue. We did not wish to exemplify too literally Lord Brougham's definition of the advocate, "A learned gentleman who rescues your property from the hands of your adversary and keeps it himself."

Burchenal and I were together a great deal in Richmond. Every day or two after our trials in court we would ride out into the country. Burchenal rode a pony named Billy, an obstinate little beast who could run like the wind, but did not always run the way his rider wished. Once on one of the by-roads south of Richmond we crossed a mill race on a ramshackle wooden bridge, the planks of which extended beyond the beams underneath. Billy insisted on going to the extreme edge of the planks, which began to tilt and frightened the little beast till he plunged madly into the water. It was a comical sight to see pony and rider swimming side by side for the shore. When Burchenal mounted again, his stovepipe hat was more than usually glossy, and his dripping raiment left its marks upon the road. The pony bounded away under the whip, a fresh stroke at every bound, while I followed, trying to overtake my companion, but I was so convulsed with laughter that for a mile or two I failed. At last I caught up and told him how funny it all was, to which he answered drily that "he had not been in a position to enjoy it."

In addition to our own bar, lawyers from other parts of the state took part in our litigations. Among these was Benjamin Harrison, who, after he had retired from the Presidency, appeared

as counsel of the contestant in an important will case. This was some years after I had withdrawn from practice. The trial was protracted to a great length. It began early in January, 1895, and continued until May.

While the trial was going on I left home, travelled for two or three months in Cuba, Yucatan and Mexico, and returned to find it still dragging its slow length along.

The hotels in Richmond were very poor; a number of us therefore invited General Harrison and Mr. Winter, the associate counsel, to dinner once a week during the trial. His regular evening at our house was Friday, and I recall a remark he made on one of these occasions shortly before his argument: "The people are expecting that after this long trial we are going to make brilliant arguments. You might as well expect a horse to prance and show his paces after he has been dragging a gun carriage to the top of Pike's Peak."

Early in May he made the concluding argument for the contestants. His speech occupied the whole of one day. The court room was densely packed, many being unable to obtain admission. He spoke at the outset of the impossibility of bringing in review the entire mass of testimony, the hearing of which had covered a period of more than four months. He would confine himself, he said, to a consideration of the main points, the few bold headlands that projected from the great line of testimony. Then he considered one after another the most vital facts showing that the testator had not the capacity to make a will.

The concluding passages of his address were very eloquent, but they were delivered to the jury in a low tone of voice and were not heard by the great mass of those who thronged the court room. I have always considered this the finest jury address to which I ever listened, and I have heard the speeches in a good many celebrated cases. It was not so much a passionate appeal as a convincing, logical demonstration of the highest kind. He won his case. The jury decided that the will was invalid.

General Harrison has been criticised as cold and unsympathetic, but he was powerful, if not passionate, in argument. He showed great tact in the management of this case and in his colloquies with counsel upon the other side. When one of these

criticised the fact that an ex-president had been brought into the trial for the purpose of impressing the jury, his reply was: "There is no ex-president here, but simply a member of the Indiana bar who intends to treat his associates with courtesy and respect and to exact the same treatment from them."

## RETIREMENT FROM PRACTICE

In 1885, shortly after my second session in the Indiana Senate, I had so many personal interests that required attention that I determined to withdraw from general practice. The firm of Foulke and Rupe was thereupon dissolved, and Mr. Burchenal entered into partnership with Mr. Rupe in my place.

## REFLECTIONS

No man ever enjoyed the practice of law more than I did, especially in connection with jury trials. I never found anything more interesting than the marshalling of evidence, the search for decisions in point, the examination and cross-examination of witnesses, the laying of plans to circumvent the adversary, and, best of all, the preparation and delivery of the final appeal to the "twelve good men and true."

To talk to a jury where there was a fair chance to win was always the keenest of pleasures. For many years I used to be a little nervous just before rising to speak, but at last this passed away, and it was all unalloyed delight. The problem was not merely to set forth the law and the evidence in orderly sequence, but also to awaken those impulses of human nature which often play so important a part in securing verdicts.

Sometimes the court used to limit our speeches to a certain number of minutes or hours—sometimes we were given a free hand. I always liked best to be limited, for although it might cripple the argument, it generally embarrassed the lawyer on the other side a good deal more. I could talk faster and get more words and possibly ideas into a given number of minutes than any other man at the Richmond bar, except Henry U. Johnson. These things are always comparative. Better omit half your argument if


your adversary has to leave out three-fourths of his. Better go into a trial with half your witnesses away, if you have enough to make out your case, provided the other side must suffer a still greater loss. It is like a battle; you should strike if only half prepared rather than wait till the enemy receives still greater reinforcements.

For the practice of this profession there is one kind of knowledge almost as important as the knowledge of the statutes and decisions. This is a knowledge of men, of the motives which govern them and their probable conduct in a given emergency. It cannot be learned from any printed page. Shakespeare may lay bare the hidden mainsprings of human action, Tolstoi may dissect character until we are astonished and shocked at the faithfulness of the portrait, but it is a certain native intuition combined with practical experience which gives us our knowledge of men. I have known lawyers of talent who have lost their cases from this inability to understand the feelings and motives of others.

An advocate perhaps prides himself upon his skill in cross-examination. He can throw the witness into confusion, he can extract contradictions and lay bare inconsistencies; yet sometimes this very power is fatal to his cause. It is one of the best traits of human nature that it takes the part of the helpless and unfortunate, and whenever the skill of the lawyer goes beyond what the jury believes to be fair, his triumph as a cross-examiner may lead to a verdict for the other side. To browbeat a woman upon the witness stand is the most fatal of all mistakes.

The tendency to cross-examine too much is, I think, a blunder more common than any other. Many lawyers ask questions in regard to everything they can think of and often with little regard to the probable answers. In the neighbouring county of Henry they used to say of one of their number, "All you need do is to ask a witness his name, age and residence, then turn him over to Grose for cross-examination and your case will be proved."

A lawyer should study his jury carefully. He must neither underrate nor overrate their intelligence. He can nearly always count upon their honesty. The average man, where he has no particular interest or prejudice of his own, will try to do what



he thinks is right. A purely technical appeal to a jury against natural justice will rarely win. An appeal to prejudice is sometimes more successful. Verdicts have often been determined by matters quite outside the domain of legal evidence. One jurymen who had stood out long against his eleven obstinate companions gave as a reason that he never would find in favour of a man who carried a gold-headed cane!

In most cases where a mistake is made in a verdict it is caused by sympathy or by attempts to do right in the face of the law. Where usury involves the loss of principal and interest, juries are slow to find that the contract has been usurious. In suits for damages resulting from the proved carelessness of the defendant it is hard to get a jury to find that the negligence of the plaintiff contributed to the injury so as to bar his recovery. Where there has been mutual fault they will try to divide the damages, and every fact will be strained in favour of the unfortunate.

This brings me to another point. In the argument of a case is it better to present in detail and argue elaborately every question, or is it better to seize the strong points of the controversy and urge these alone? Rufus Choate used to say that he had tried juries so often and had found them so uncertain that he would leave nothing unargued. Such men as Webster and Erskine, on the other hand, would take the strong points only, believing that to divert the mind of the jury to less important subjects tended to confuse and embarrass them in regard to the leading issues. Which is the better course? I should say that this depends largely upon what you know of your case and what you know of your jury. If you are satisfied that you can make the jury see what are the vital questions, it is wiser to throw away immaterial or subordinate things which can only darken counsel. But otherwise you cannot safely neglect details.

The best lawyer will never be over-confident of success and will never despair amid reverses. There are some antagonists who are not dangerous until after they have suffered a defeat. It is better to be like these than like him who enters the battle with perfect confidence and after the first reverse lays down his arms. The time to end a case is after you have won something,

not when you have lost. The most dangerous of all antagonists is the one who does not know when he is beaten.

Such are the impressions which some fifteen years of active practice have left with me. But the concluding question remains. Is it well to advise a young man to follow this profession? It certainly is an inspiring career. It not only gives great prizes of its own, but it leads naturally into other avenues of public life. If the question be one of mere personal advantage, the reasons for it will often be conclusive. But from the point of view of human welfare, there are other careers which are more useful. There will always be lawyers enough for the needs of justice. The law is a necessary conservative power, but the greatest advances of humanity have been made in other fields—in medicine, in engineering, in scientific and industrial effort. The most learned lawyer at our bar once said to me: "After our days are over how little we shall have to show for them! Of what importance to the world is it whether Smith or Jones wins this case or that? We are not like inventors or architects or artists or writers, who leave permanent memorials behind them. All we have done is just to help hold things together." Legislation indeed may be constructive and, once in a century, some great jurist like Chief Justice Marshall may give vitality to our institutions by his interpretations of the fundamental law, yet in the ordinary growth of jurisprudence there is often as much harm as good. Complexities, delays, and the frequent miscarriage of justice have crept in with the very effort to secure greater certainty and more perfect equity. And it would be hard to find (unless it be in theology) any profession that now lags so far behind the general advance in science and knowledge as the profession of the law.

### CHAPTER III

#### INDIANA ASSOCIATIONS, JULIAN, RILEY, ETC.

WHEN from tormenting cares I steal away  
To haunt the quiet river-side; to hear  
The murmur of the stream; to note the play  
Of quivering foliage mirrored sharp and clear  
Upon its tranquil breast; to see the boys  
Plunge in the swimming hole; to thread the lanes  
Close thicketed, and share the wanton joys  
Of forest birds; to watch the heavy wains  
Creaking and toiling through the shallow ford;  
To mark the cricket's chirp and drone of bee,  
Or sit a welcome guest at the farmer's board,  
Hearing quaint talk and rude philosophy;  
Riley, thy music comes, a soft refrain,  
And blends with all in one harmonious strain.

—*To James Whitcomb Riley.*

See *infra*, p. 63.

#### THE TUESDAY CLUB

Indiana soil, as we have already seen, has been peculiarly fertile for the growth of all sorts of literary, dramatic and art associations. There was in Richmond a literary society known as the Tuesday Club which lived more than a score of years. It was organised on the same plan as that of the Liberal Club in New York. A paper was read or an address delivered by a member or by a guest. Then the subject was thrown open to discussion, and the speaker had the right to close the debate. Some of these papers were of marked ability. Albert J. Beveridge, David Starr Jordan, Felix Adler, Richard H. Dana, Lucius B. Swift, George W. Julian and others delivered addresses or took part in the debates, which were always lively and entertaining, though the views expressed were not so radical as those of the members of the Liberal Club.



## GEORGE W. JULIAN

One of our most animated discussions was in the winter of 1895-96, when George W. Julian, an early abolitionist and at one time a member of Congress from our district (then known as "the old burnt district"), read a paper on Charles Sumner. He and Sumner had been close friends, and he spoke bitterly of Sumner's deposition from the chairmanship of the Committee on Foreign Relations during Grant's administration. He especially referred to the indignity offered to Sumner by depriving him of a place on any leading committee and giving him a merely subordinate position on one which was wholly unimportant. I took issue with Mr. Julian upon this subject, recalling Mr. Sumner's impossible position in respect to England, he having insisted that the British empire ought to be excluded entirely from the American continent.<sup>1</sup>

I showed the necessity of having the administration and the Senate in accord upon our foreign policy, and I also reminded Mr. Julian that Sumner had been offered and had declined the chairmanship of the Committee on Elections, which afterwards became, under the direction of our war governor, Oliver P. Mor-

<sup>1</sup> Mr. Julian expressed his doubt as to the authenticity of the memorandum in which Sumner had insisted on this exclusion. I accordingly enquired as to this of J. C. Bancroft Davis, the most prominent participant in the negotiations regarding the Alabama claims and received from him the following reply:

WASHINGTON, D. C., Feb. 20, 1896.

WILLIAM DUDLEY FOULKE, ESQ.

DEAR SIR:—

Your letter of the 17th is received and I hasten to answer your enquiries.

On the 64th, 65th and 66th pages of "Mr. Fish and the Alabama Claims"—the sketch to which you refer—I say: "Matters were now sufficiently advanced to warrant the Secretary (Mr. Fish) in consulting the Chairman of the Senate Committee on Foreign Relations, and on the 15th of January he went to Mr. Sumner's house by appointment. The Senator gave no answer on that day, but on the 17th of January sent the following memorandum in writing to Mr. Fish:

*First.* The idea of Sir John Rose is that all questions and causes of irritation between England and the United States should be re-

ton, the leading committee in the Senate. We had quite a lively argument upon the question.

On the following morning (Mr. Julian was my guest at the time) we received the startling news of President Cleveland's message on the Venezuela question, amounting almost to a challenge of war to the British Empire, which had declined to arbitrate the matter. The message made a deep impression upon us. Mr. Julian, then a very old man, was lying upon a couch; we discussed point by point the various questions involved. The danger of war appeared extremely grave. We had declared our policy and must abide by it. The Monroe Doctrine, necessary to our national security, forbade the forcible acquisition of new territory in America by a European power. There was strong reason to believe that England was forcibly encroaching upon the territory of Venezuela. We were bound to see that this was not done. If England persisted that meant war, and it would be very difficult for her to recede. We might well ask ourselves whether this question of a boundary in South America was worth the lives and treasure such a war would cost. Indeed, except for the principle involved, it would have no such value, but we were

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moved absolutely and for ever that we may be at peace really and good neighbours, and to this end all points of differences should be considered together. Nothing could be better than this initial idea. It should be the starting point.

*Second.* The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the proximity of the British flag in Canada. *Therefore the withdrawal of the British flag can not be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere, including provinces and islands.*

*Third.* No proposition for a joint commission can be accepted unless the terms of submission are such as to leave no reasonable doubt of a favourable result. There must not be another failure.

*Fourth.* A discrimination in favour of claims arising from the depredations of any particular ship will dishonour the claims arising from the depredations of other ships, which the American Government can not afford to do; nor should the English Government expect it, if they would sincerely remove all occasions of difference.

C. S."

the children of ancestors who had maintained a desolating struggle for eight years with the same adversary rather than submit to a vicious principle. If we could be sure of our constancy throughout this struggle, the final result would not be doubtful. Mr. Julian and I came to the conclusion that the principle for which Mr. Cleveland contended was right and that he was entitled to the unquestioning support of the American people.

The outcome was indeed a happy one. The British Govern-

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You say that the authenticity of this memorandum is now questioned, but not by yourself. In reply I freely make the following statement as to my own sources of knowledge:

On the 15th day of January, 1871, it came to my knowledge that Mr. Fish had gone to Mr. Sumner's house. I saw him on his return and heard from his lips what had taken place there. I knew on the 17th that Mr. Fish had received the memorandum. I saw that paper soon after its receipt, and recognised it as being in the handwriting of Mr. Sumner, with which I was familiar. All the statements which I made on this subject in the sketch called "Mr. Fish and the Alabama Claims" were made from personal knowledge, including those concerning the text of the memorandum, its date, and the initials of Mr. Sumner.

You also ask whether the original of the memorandum is in existence and where it is to be found.

In reply I beg to say that the original of Mr. Sumner's memorandum is, I presume, among the many and valuable papers of Mr. Fish in the hands of his literary executors. I last saw it at his country home, at Garrison's, in the summer of 1893, during his lifetime. I was then engaged in the preparation of "Mr. Fish and the Alabama Claims," which appeared in the autumn of that year.

The memorandum referred to was first made public in a letter from me which appeared in the *New York Herald*, January 4, 1878. That letter was written with the knowledge and permission of Mr. Fish. He not only read it carefully before publication, but he had it reprinted in pamphlet form, circulated the reprint among his friends, and deposited it in many public libraries. He would not have done this had he entertained any doubt of its authenticity. The active participation of so honourable, so upright and so truthful a man in making public and in circulating the memorandum is convincing proof that he regarded it as authentic and that it was so.

On Mr. Sumner's side we have equally convincing proof that, had he been living, he would not have questioned the accuracy and truthfulness of the memorandum, as it is printed in the sketch. On page 464 of Volume 4 of his "Memoirs and Letters," edited by his friend, Mr.

ment finally consented to arbitrate. The results of the arbitration were in the main satisfactory to England, and I remember that some years afterwards General Harrison, who had represented America in the proceedings, expressed to me much dissatisfaction at the conduct of the arbitrators who, as it seemed to him, were more anxious to compromise a difficult question in which a great power was involved than to do substantial justice between the parties.

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Pierce, appears an extract from a letter from him to Mr. George Bemis, dated January 18, 1871 (the day after the date of the memorandum), in which he says: Sir John Rose is here with proposals, or rather to sound our Government. The English pray for settlement as never before. Mr. Fish has asked my judgment; I have sent him a memorandum in which I have said: "A discrimination in favour of claims arising from the depredations of any particular ship will dishonour the claims arising from the depredations of other ships, which the American Government can not afford to do; nor should the English Government expect it, if they would sincerely remove all occasions of difference."

Thus it is established, on the authority of Mr. Sumner, that before January 18, 1871, he sent a memorandum to Mr. Fish at the latter's request and that clause four in that memorandum as printed by me formed a part of the memorandum so sent. The doubting Thomas, being thus deprived of all power of questioning those two facts, is reduced to denying that clauses one, two and three were in the paper so sent to Mr. Fish.

On this point, without considering the evidence of witnesses who saw the original containing these clauses and who recognised all as in Mr. Sumner's handwriting, I content myself with referring to evidence which Mr. Sumner's warmest friends can not question.

This memorandum, as I have already said, was first made public on the 4th day of January, 1878. In the following summer Mr. Sumner's biographer, Mr. Pierce, published an able and somewhat caustic article in the *North American Review*, contesting every position that I had taken, except the one that the memorandum with four clauses which I described had been sent by Mr. Sumner to Mr. Fish on the 17th of January. As to that he said (and when he said it he was, and for nearly five years had been, in possession of all of Mr. Sumner's confidential papers): "Mr. Sumner appears to have thought the proximity to us of the British possessions a cause of irritation and disturbance, by furnishing a basis of operations for Fenians, and in order to make the settlement complete and prevent all controversy in the future he proposed the peaceful and voluntary withdrawal of the

## MUGWUMPS

In 1896 I read a paper before the Tuesday Club which attracted much hostile criticism. The people of Richmond had been warm supporters of President Harrison, and those who had flinched in their devotion to him were anathema among a considerable portion of our population. I had opposed him in the preceding Presidential campaign. Walking one day past St. Paul's Episcopal Church, which was undergoing repairs, I heard a voice from the top of the spire crying out in tones of great contempt, "What's the matter with Benny, you damned old mugwump?" I looked up to see whence the voice proceeded, and observed a man dodging behind the spire. This reproach coming from the very pinnacle of the house of God seemed a suitable text for a dissertation on "Mugwumps," which I accordingly prepared for the Club, showing the necessity of independence in politics if we were to have any real consideration of principles or persons in any election. The two leading parties could not be relied on to advocate the best measures or nominate the best men if they were sure in advance of full support if they advocated bad principles and

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British flag from the continent. . . . That he laid no greater stress upon this part of his memorandum appears clearly enough from a letter he wrote the day after to George Bemis, in which, mentioning the fact of his memorandum, he refers to the clause in it concerning the depredations of the several cruisers but without any reference to the clause respecting Canada."

Fifteen years later, as I have already stated, this letter to Mr. Bemis appeared in Volume 4 of "Sumner's Memoirs." Mr. Pierce still made no question as to the genuineness of the memorandum and of each of its four clauses. We are therefore justified in regarding this letter to Mr. Bemis as strong confirmatory proof, on the part of Mr. Sumner and his friends, of the authenticity of the memorandum, as published by me.

I permit myself to add, in conclusion, that you are at liberty to make any use of this letter which, in your judgment, the interests of truth and justice may require.

I am, dear sir,

Very truly yours,

J. C. BANCROFT DAVIS.

nominated bad men. Party government was most beneficial if there were mugwumps to repudiate it when it failed to do its duty. If reform within the party accomplished its work it would also keep within the party those who were devoted to reform; but if it failed, then reform from without the party and by the defeat of the party was the last remaining remedy and one which the mugwump did not intend to relinquish. I also insisted that a mugwump, by adhering to principles rather than party organization, might be even less open to the charge of vacillation than the straight party man.

While there was some support of these doctrines, the dissent was quite pronounced. I remember that among the guests that evening was Gen. O. O. Howard, who evidently did not approve at all, for, being called upon for some remarks upon the paper, he observed in the politest manner possible that although he was himself a warm Republican, he would a great deal rather be a Democrat than not belong to any party at all.

It was in October of the following year that I was invited to address the National Conference of Unitarian Churches at Saratoga on "The Citizen and the Republic." Senator Hoar presided. I gave utterance to some sentiments similar to those of the Tuesday Club paper and was conscious while speaking that the good old gentleman was turning his revolving chair first to one side and then to the other in considerable agitation. As he was the presiding officer he felt he had no right to reply, but he afterwards remarked that he would have given a hundred dollars for a chance to answer such arguments; that these Mugwumps were willing to imperil the rights of a whole race on account of matters which were comparatively trifling. Perhaps he was the more annoyed because the audience was warmly with me in my advocacy of political independence.

Of course all such advocacy should have its limitations. Important political work can only be done by the co-operation of those who think alike, and this implies party government. Every member of a party ought to be prepared to yield much, if through its agency he can secure a greater good to his country. But if the balance be against what he considers best, he should not hesitate to abandon his party, acting independently or even allying

himself with its adversary. Party fealty with most of our people had become a fetich which needed to be discredited.

#### INDIANAPOLIS LITERARY CLUB

I became a member at quite an early day of the Indianapolis Literary Club. This had long been organised on much the same basis as the Tuesday Club, except that the discussions following the papers were more informal. A good many eminent men at one time and another have belonged to this club, among others Benjamin Harrison, Thomas A. Hendricks, Walter Q. Gresham, Rev. Myron W. Reed, Gov. Albert G. Porter, Rev. Oscar McCulloch, Addison C. Harris, Albert J. Beveridge, Charles W. Fairbanks, John L. Griffiths, Gen. Lew Wallace and James Whitcomb Riley. The Club used to be very particular as to the members elected, and blackballing was so frequent that Myron Reed once said that not a member then in the Club could get back if he had to be voted on by the rest of them.

The papers were for the most part of high quality and the discussions spicy. There was usually a good deal of fun at the annual dinners, but this was not always the case. There was one to which the ladies were invited where the speeches were so numerous and so long that I was called upon for some happy remarks at two o'clock in the morning, and this without a blessed thing to drink but water.

The Club did some extraordinary things. I recall a certificate of good character, elegantly engrossed, which we furnished to Benjamin Harrison, then President-elect, on the eve of his departure to Washington. This testimonial, coming from the place where he worked last, undoubtedly entitled him to the confidence of the American people!

#### WESTERN ASSOCIATION OF WRITERS

At quite an early period there was organised "The Western Association of Writers," which held meetings both at Indianapolis and elsewhere in Indiana. This society, however, seemed engrossed, not so much in general discussions on literature, as in displaying the excellencies of the works of its own members.

We edified each other by the reading of poems, stories and other productions, many of which were considered tedious by those who did not themselves deliver them. I noticed too that while James Whitcomb Riley, Lew Wallace, and other well-known names were on the list of members, they did not often attend the meetings and the programmes were mainly filled with the productions of persons comparatively unknown. I still have a programme of the tenth annual meeting at Warsaw, Indiana, in 1895, where the performances lasted through five mortal days!

#### JAMES WHITCOMB RILEY

On one occasion the association proposed to give Riley a complimentary dinner at the Dennison Hotel in Indianapolis. I was on the committee managing the affair and during the afternoon Riley asked me into his room. Things were in utter confusion, clothing on the floor, a valise on the bed, and everything at sixes and sevens. Riley looked at me in dismay and ejaculated, "It is always this way with me, a place for everything and not a damned thing in it." Riley was a prince of raconteurs; he always had an assortment of good stories, and nobody could tell them as he could. His accent and the expression of his countenance were inimitable. All who knew the man were very fond of him. When he visited the homes of his friends he attracted children to him like a magnet. He would take a child upon his lap and draw wonderful pictures and improvise stories of what some boy or dog or rabbit was doing, while the eyes of his little listener were wide open with wonder and delight.

Riley's poetry, as well as his personality, had a very wholesome effect upon the people of the state. Indeed, the Hoosier's homely ways, the plain things of life and the kindly sympathy which he epitomised, spread their influence far beyond the boundaries of the state and even of the nation.

#### THE INDIANA SOCIETY OF CHICAGO

An organisation which I have enjoyed immensely is the Indiana Society of Chicago. There were generally five or six hundred of



us seated at the tables in the ballroom of the Congress Hotel, and various were the "stunts" performed—there were humorous speeches by all sorts of people, and there were successful vaudeville performances. In 1919 a burlesque political convention was held at which many of the members were involuntary candidates for President; I was the poets' candidate and McCutcheon had a cartoon representing me in evening dress bestriding Pegasus, while America bristled with most appropriate exclamation and interrogation points.<sup>2</sup>

#### JEKYL ISLAND CLUB

I was for a good many years a member of the Jekyl Island Club, which occupied one of the sea islands off the coast of Georgia. There were forests of pine and live oak, a broad, hard beach, a bicycle trail through the woods, and very attractive roads and forest paths for driving and riding. I had a number of friends among the members, and there were various interesting prominent men who came as visitors: Dr. Weir Mitchell, Thomas Bailey Aldrich, and others. President McKinley once spent a few days on the island, sitting (as Dooley described it) "under the coupon trees."

I used to play chess a good deal with Thomas Nelson Page, but I recall a remark he made which has discouraged me from giving much attention to the game since that time. He said, "I found that I could write a story with about the same effort that it took to play a half-dozen games, and writing the story was more worth while, so I do not play so much as I used to."

Dr. Weir Mitchell was a rare companion. We used to go out canoeing and had long talks together. He was one of the most distinguished physicians of his time, especially in the treatment of nervous disorders, and many were the stories of his original and sometimes radical methods of treating his patients. One of them,

<sup>2</sup> On one of these occasions I spoke on "Indiana's Output" (see Appendix I), and a few years later I discussed the instructions to be given by the outgoing Vice-President, Mr. Fairbanks, to the incoming Vice-President, Mr. Marshall, upon the duties as well as the vices appropriate to the office.



"THE POETS' CANDIDATE"



a woman, had been bedridden for years and insisted upon her inability to move. He was satisfied that her disease was imaginary and had a fire kindled under her bed. Her recovery was immediate. At this time (it was shortly after the publication of "Hugh Wynne, Free Quaker") he prided himself more upon his accomplishments in literature than in his profession, a judgment which the world will hardly ratify. I remember he had quite a strong feeling against the kind of education given at Bryn Mawr College (where my daughters had been students), believing that it did not properly provide for the domestic duties of a woman's life. He contrasted it with the Sorbonne, in which he said every girl was required to show, before she was admitted, that she understood thoroughly the things that were necessary to the proper conduct of a household by the mother of a family.

Aldrich was an interesting man in conversation, but upon one subject he was devoid of a sense of humour. I once imprudently rallied him on certain peculiarities of Boston. Now if a man could not make fun of Boston, life would be lacking in one of its most wholesome sources of merriment. I had artlessly told him of an incident which happened at a dinner given in that city to the National Civil Service Reform League, when the speeches of welcome were so long and effusive that they cut out the addresses on the programme which were to be delivered by the invited guests.

The facts were these. The president of the Massachusetts Association welcomed us in no stinted phrase. Then the Speaker of the Legislature consumed half an hour in telling us how much he admired us. Then the representative of the Bay State in Mr. Cleveland's cabinet, Mr. Richard S. Olney, told us how precious were our contributions to political and social welfare; then the head of Harvard University, Dr. Eliot, assured us that the success of our movement was written in the eternal laws of nature, and finally Pat Collins, then mayor of Boston, filled with a double inspiration, descanted at great length upon the tremendous obligation which the world owed to the guests of the evening. Mr. Gilman, president of the League, and Mr. Carl Schurz were the only gentlemen outside of Boston whose remarks

had deflected even for a moment this uninterrupted stream of welcome. Among the remaining guests of the evening, Mr. Bonaparte, Mr. Garfield, Commissioner Procter and I had been set down upon the printed programme for speeches.

Now the Boston man knows many things, but two things he knows supremely well. The first is the time to go to bed, and the second is that when Boston has spoken, all has been said that is worth hearing. Boston had spoken, the welcome was complete, and bedtime was at hand. So the audience began to crumble, leaving a few meagre remnants for Procter and Garfield, and none at all for Bonaparte and me, and we departed quite overcome by the heartiness of our welcome.

It was soon clear, however, that such a story would not do at all in such a presence. Mr. Aldrich was himself Boston incarnate and upon anything indicating a flaw in its perfections he was up in arms in its defence. He resented the anecdote and was never so cordial afterwards. I solaced myself with the thought, "Blessed indeed is such a city to possess, among the most distinguished of her sons, one who will not permit even the lightest raillery to cast a blemish upon her infinite excellence."

But the men who unconsciously furnished the greatest amusement at Jekyl were the millionaires who ran the Club. These men when talking together really spoke as if they were also running the government of the United States—and perhaps they were, more than we knew! When President McKinley was there he was under their special protection, and when the war with Spain broke out some of them were impressed with the idea that the island might be attacked and they even hinted that the members might be held for ransom! An account was actually published in one of the newspapers of an imaginary piratical incursion for this purpose, whereupon a ridiculous demand was made on the government for military protection, and a cannon of the heaviest calibre was sent down and installed at the south end of the island. Here it stayed for some years buried more and more deeply in the sand.

We had at Jekyl Island one form of sport not common in America—hunting the wild boar. There were a great many wild hogs in the island, a cross between the German boar and the

southern razor-back, huge, swift beasts not easy to catch or kill. Parties were organised to hunt them by moonlight. We first drove to the part of the island they most frequented, and then, following the dogs, started off through the palmettoes after them. There were two kinds of dogs employed in the chase, first the ordinary hunting dog to follow the scent, and then "ketch dogs," as they were called, to hang on to the ears and legs of the victim and hold him until some one could come up with a long knife to finish him. But this work was generally done by the game-keeper, while the ladies and gentlemen who formed the party stood around and "assisted" with their eyes only. It was not a very edifying sport, although the scene was a weird one in the semi-tropical forest under a full moon.

We once had an entertainment which was unique. The negroes on the island were accustomed each year to give us a "cake-walk," and a committee of three members was appointed on such occasions to award and distribute the prizes. But one day it was proposed that there should be a cake-walk on the beach in which we should do the cake-walking and a committee selected by the negroes should award the prizes. We all drove down to the south end of the island, and there, upon the broad, hard beach, we exhibited our graces in this fine art and submitted our merits to the judgment of three Ethiopians, one the deputy game-keeper, as black as the ace of spades, another, our hall boy, and the third a little fellow who distributed the papers on the island. A circle was formed by the carriages which had brought us to the spot. We arrayed ourselves in the most grotesque apparel we could find and marched around in pairs with all the seriousness and grace we could command, while the three little blackamoors, standing upon an improvised platform, solemnly determined who did his part the best and quite perverted their responsible office, as I thought, by awarding me the booby prize!

## EARLHAM COLLEGE

But to return to Richmond, Indiana.

My connection with Earlham College has been rather close. One year I gave a series of lectures on municipal law to the more

advanced students, and I used to speak quite often on various subjects in the chapel.

One evening the theme was Russian Literature. There was nothing humorous about it, but I noticed that every few minutes a ripple of laughter would spread over the audience and I wondered what it was all about. It confused me. I thought there must be something grotesque about my personal appearance.

I was standing alone upon a wide platform and finally noticed that the students were all looking a little to the left of me during one of these waves of suppressed merriment. I turned around and there, about ten feet away and a little behind me, was a small black-and-tan terrier, his head cocked slightly on one side, with one ear up and the other down, looking at me in a very interested way and wagging his little tail as if with entire approbation of what I had been saying. This was amusing enough, but what was to be done? I did not care to begin a dog chase on that platform, and there was no one who offered to help me out, so I congratulated the audience on the double character of the entertainment I had been able to furnish and endeavoured to forge ahead with my lecture. But it would not work. The attention of the audience was permanently directed to the dog, and after pumping away to very little purpose for fifteen or twenty minutes more, I closed the lecture, which was a flat failure. As I left the hall, I remarked to a companion that the boys had got the best of me that time, that the joke was a good one and very successful. A student heard me and remarked, "I hope, Mr. Foulke, that you don't think we played any trick on you. The dog came in with you and we thought he was your dog, so we didn't like to take him away."

I reflected as I drove home that those boys were much better behaved than I had been when I was in college. I should have rejoiced above all things at the opportunity to play such a prank and have it succeed so well.

In 1906 the college conferred on me the honorary degree of Doctor of Laws, an honour that I greatly appreciated, as well as the gracious words with which it was bestowed by President Robert L. Kelly. But I like to recall the amusing way in which the movement to grant me this degree directly started. Cleveland,

the young son of my friend, Professor C. K. Chase, had from the first insisted, for some reason of his own, upon calling me "Dokker Foulke" until one day his father, declaring that if I was to be called "Doctor," I should possess the title, stated his intention of taking up the question with the college authorities. The degree was conferred upon me soon afterwards.

*SWARTHMORE COLLEGE*

In 1891 I was called to the presidency of Swarthmore, a college established by the Hicksite Friends in Pennsylvania. I had prepared to remove thither and had sent on my furniture and closed my house at Richmond, when the sudden death of my wife's brother, who was killed in a railway accident, left the family business interests, which were quite complicated, entirely without a caretaker. There was no alternative but to return. The students afterwards celebrated by an appropriate dramatic performance the sudden defection of a president who thus died "a-bornin."



## CHAPTER IV

### THE STATE SENATE

INTO what seething cauldron did we cast  
Our measures, wise and foolish, small and great!  
How faint the hope they would emerge at last  
As wholesome rules to guide a sovereign state!  
No art nor craft the great world ever saw  
More lawless than the making of the laws.

### THE CAMPAIGN

In the spring of 1882 I resolved to seek the Republican nomination for state senator. In Wayne County the candidates were not chosen by a delegate convention, but by an open primary at which any member of the party might present his name to the electors. I was successful and became the nominee of the party.

The leading question at that time was whether a proposed amendment to the Indiana constitution prohibiting the sale of liquor—an amendment which had been passed by the preceding legislature—should also be passed by the incoming General Assembly, so as to make possible its submission to the people. The Republican Party in its platform had declared that it was in favour of such submission without, however, expressing any opinion regarding the merits of the amendment itself. The Greenback Party was actively in favour of prohibition, and the Democratic Party was opposed to it. I had the support of most of the temperance organisations in the county, which were primarily interested in seeing that the amendment was submitted and knew that this could only be done through the Republican Party. But the Greenback paper, the *Weekly News*, began a violent attack upon me. In its issue of May 20, 1882, the whole first page was devoted to a disquisition upon my various shortcomings, the headlines being, "Foulke's Faults, Two Hundred Dollars' Worth of Choice Wine. How and Why His Nomination Was Secured," etc.

The editor had heard of a few cases of wine I had ordered, had magnified it to the proper size to suit his requirements, and now expatiated at great length upon my wickedness.

Week in and week out the *News* harped upon this string as well as upon the fact that I was the attorney of a bank and of a railroad. Its opposition, however, was ineffectual. I obtained a majority of about eighteen hundred. The *News* then published a large cartoon, which it thus described:

Foulke is represented standing with one foot on the Goddess of Liberty. On his head is the royal insignia of power which his party has just invested him with. In one hand he holds a glass of wine and in the other a stump of prohibition. Behind him stands the money power. In one pocket is the sign of his professional business as attorney of the railroads and banks. In another pocket are copies of the *Palladium*, *Item* and *Telegram*. These papers dance like puppets to the jingle of his "rocks." In another of Foulke's numerous pockets is a spirited endorsement by the Woman's Suffrage Association and the Woman's Christian Temperance Union. Foulke partly owes his election to the untiring efforts of the W.C.T.U. in his behalf. The Goddess of Liberty holds in one hand Truth and Justice . . . in the other hand is the *Weekly News*, the only newspaper in Wayne County that has told the people the truth.

But in spite of truth, justice, the Goddess of Liberty, and the *Weekly News*, I had been elected to the Senate for four years, a term which would include the two biennial sessions beginning in January, 1883 and 1885, respectively.

#### THE SESSION OF 1883

There was nothing very remarkable about either of these sessions, but perhaps for that very reason they are the more typical of the legislation of that period. There was a good deal of small politics in the General Assembly, and in 1883 there was a group of six or eight men in our Senate of fifty members whom I believed to be purchasable. Albert G. Porter, a Republican, was governor of the state, and Thomas Hanna, also a Republican, was Lieutenant-Governor and presided over the Senate. In that body there were twenty-eight Democrats and twenty-two Republi-

cans. The leader of the Democrats was Jason B. Brown, from Jackson County, otherwise known as "Bazoo Brown," a rough and unscrupulous, but an able and singularly eloquent man. Another prominent member on the Democratic side was Rufus Magee of Logansport, who had the independence to oppose his own party on several important matters and with whom I formed a close and enduring friendship in spite of our many "brushes" on the floor of the Senate. The leader of the Republican minority was Jesse J. Spann of Rushville, who used to insist in some of our caucuses that it was our highest duty as Republicans to vote for every bad measure and thus make the record of the Legislature infamous so as to insure the overthrow of the Democrats at the next election! But such efforts would have been quite superfluous. The Democratic majority made a most unenviable record without our assistance.

I was pretty green in politics, but learned a good deal as time went on, not only from my own experience but from some of my good friends who gave me the results of theirs. For instance, one day as I was returning on the train from Indianapolis, one of these who had served in the Legislature before gave me some fatherly counsel. He warned me against "those temperance people." "They will howl and howl and howl," he said, "but when it comes to the election, there isn't a damned vote. But you just tie up with some reliable saloon-keeper. He will bring the boys in squads to the polls." Unhappily I could not profit by this advice, since I never ran for office afterwards.

We really had a great deal of fun in that Legislature, though our career was not fruitful in good laws.

I introduced a bill giving to married women all the rights of single women, but it came to an early death. I introduced a bill to provide for the registration of voters, as expressly commanded by the Constitution, but was told by "Bazoo" Brown, "I don't believe our fellows care much about a registry law," and nothing came of it. I offered a concurrent resolution urging Congress to support a woman suffrage amendment to the Federal Constitution, but no such foolishness could be allowed. I introduced a bill providing that convicts might shorten their terms of imprisonment by good conduct, and a bill authorising county

commissioners to make the owners of buildings in which liquor was sold responsible for damages. Indeed, I proposed a variety of measures, nearly all of which have since been enacted and now seem commonplace enough, but there was hardly one which was not then stifled in committee or voted down in open session.

Yet there was one matter of local interest to Wayne County which turned out well. In 1883 Indiana had only a single hospital for the insane, which was situated in Indianapolis. It was greatly overcrowded, and more than sixteen hundred of these unhappy creatures were unprovided for, except in county poor-houses and jails, where they were kept, sometimes without clothing, frequently confined in pens and cells, occasionally loaded with chains and balls or fed through iron gratings or wearing handcuffs or sleeping on straw. There was a demand for additional asylums; a strong lobby had come from Evansville, urging that one should be constructed there, and a bill had been introduced for the purpose. Naturally there were other cities that desired to be favoured in a like manner. The time seemed propitious to urge the claims of my own county, so I joined forces with my friend, Senator Magee, and other aspirants in an effort to secure two additional institutions with the hope that Richmond might be included. I suggested to my constituents that a gift of money or land might not be misplaced, and they accordingly offered twenty-five thousand dollars to buy the necessary site. I proposed to the Senate that a commission be appointed to go over the state and ascertain at what places the best facilities for such an asylum could be found and where the best terms could be obtained from the local communities. This was done, and Richmond was chosen for one of three new institutions. It must be admitted that this looks like "pork-barrel" legislation, but the three asylums were all needed; they were immediately filled and were soon overcrowded. And there has been no hospital for the insane more successfully managed than the one established in Richmond. It has a widespread reputation for excellence throughout the country.

The intense partisanship which prevailed during this session seems to-day almost inconceivable. The very first bill introduced into the Senate by the Democratic leader was the so-called

"Brown Bill," which placed the three existing benevolent institutions, the Hospital for the Insane, the Asylum for the Blind, and the Asylum for the Deaf and Dumb, in charge of three boards composed of Democratic politicians, and presided over by one Dr. Harrison, a Democratic boss. This was a measure which made these institutions the mere plunder of party and finally brought such scandal upon the hospital management as to become a leading issue four years later in the election of 1886 which drove the Democrats from power.<sup>1</sup>

In looking over the list of bills passed at this session it is impossible to imagine a collection of more trifling and futile acts. There were scores of measures to legalise illegal transactions of various state and municipal officers. There was an act authorising charitable associations to change their names; there was a new dog law; there was an act authorising boards of county commissioners to grant bounties for the destruction of woodchucks, hawks and owls; there were acts for the relief of sundry municipal officers who had lost the public moneys by depositing them in insolvent banks, etc. But there was not a single measure of importance to the state, and very few even of general interest or application. It is doubtful if Indiana in its entire history could furnish an illustration of a legislature so utterly useless, where it was not actually injurious, as the general assembly of 1883.

#### THE SESSION OF 1885

Discreditable as it was, the record of this Legislature of 1883 did not at once lead to the overthrow of the Democratic Party; for 1884 was the year for the election of a President. In the national government the Republicans were in power; many abuses existed and although the reform wave which had swept over Congress in 1883 had led to the enactment of the Civil-Service law and other salutary measures, there was a general distrust of the party, which was aggravated by its nomination of James G. Blaine for the presidency. Serious scandals had been connected with his name. The Democrats, on the other hand, had nominated Grover

<sup>1</sup> See "Fighting the Spoilsmen," pp. 16 to 36.

Cleveland, who had made a creditable record as governor of New York. He was elected, though by a narrow margin, and the Republicans were thrown out of power for the first time since the Civil War. This wave of national public sentiment kept Indiana still in the Democratic column.

I was deeply impressed by the charges made against Mr. Blaine, supported apparently by his own letters and by his evasive explanations and denials. I was therefore unwilling to vote for him or to take any part in the campaign on his behalf, but was too strong a Republican to support the Democratic candidate. I did not vote for the presidential electors at all, but cast my ballot for the remaining candidates on the Republican ticket. Such a course is rarely justifiable. A voter ought generally to choose the less of two evils, but I could not make up my mind to break away so quickly from all associations with the party to which I had been devoted and which I was then representing in the senate of my own state.

The refusal to vote for Mr. Blaine inevitably aroused intense indignation. I was hooted and jeered at as I rode through the streets, and on one occasion a crowd of men and boys assembled with the intention of marching out to my house, breaking the windows, defacing the walls and giving other similar evidences of their disapproval. From this, however, they were dissuaded through the counsels of Col. Bridgland, an old friend of mine, former consul at Havre, whose stalwart Republicanism could not be suspected by any one in this patriotic gathering. A petition was started asking for my resignation as senator, but somehow the project fell still-born and it was never presented.

By the time the Legislature had convened, much of this effervescence of wrath had passed away, and I was welcomed with cordiality by my old associates. There were only seventeen Republicans all told in the Senate of 1885, barely more than one-third—just enough, if we all stayed away, to break a quorum and prevent the passage of obnoxious measures.

This Republican minority was a pretty creditable body of men. There was not one of them whom I ever suspected of personal corruption. We worked together in great harmony on nearly every subject and in entire good-will. The only important occa-

sion where we failed to co-operate with unanimity on a political measure was in respect to two apportionment bills which gerrymandered Indiana in such a way as to give Democrats nearly twice as much voting power as Republicans. The provisions of these bills were so outrageous that I, for one, advocated breaking up a quorum to prevent them from becoming laws. It seemed to me then and still seems to me that the measures were so iniquitous that they justified this revolutionary action.

I offered to contribute largely to pay the fines imposed by law upon those who absented themselves. All were willing to co-operate in this extreme measure except two, one of whom felt himself bound by his promise to his constituents not to take such a step, a position which we of course respected.

The Democratic members were also cordial at the beginning of the session, especially so because I had not voted for Blaine. They placed me upon the most important committees—even offered me the chairmanship of the Committee on Railroads, but I did not care to be the only Republican so honoured, nor was I willing to serve on that committee since I had been for many years a railroad lawyer and did not think it would be seemly to take a leading part in railroad legislation.

The Senate had a new presiding officer at this session, Mr. Hanna, the Republican Lieutenant-Governor in 1883, being succeeded by General Mahlon D. Manson, a Democrat. He was a veteran officer of both the Mexican and Civil wars, a venerable man of high character, and universally esteemed. His predecessor had been a skilled parliamentarian and an eager partisan. Gen. Manson was an honest old gentleman, without the slightest knowledge of parliamentary law, but so transparently fair in his conduct and his rulings that not one of us ever felt disposed to take any advantage of him. Whenever a tangle would arise over motions to amend, to commit, to lay on the table, the previous question, etc., he would not attempt to decide these issues, but would say, "Now it seems to me that this would be about the fair way to settle the matter," and it always was so fair that nobody ever objected. He undoubtedly gave to our Republican minority all the rights we were entitled to. I sat directly in front of him and was always recognised if I addressed him first (which was

often enough), and on the closing day, after we had unanimously voted our appreciation of the justice and impartiality of his rulings and our strong personal esteem, he invited the senator from Wayne to lead in singing the long-metre doxology as a concluding ceremony. The senator from Wayne made a lamentable effort to comply with his request, an effort which was only saved from utter collapse by the co-operation of others who were better skilled.

General Manson did a number of odd things. On one occasion, without our knowing anything about it, he brought a venerable lady up to his platform and seated her beside him and then told us that Mrs. Sarah T. Bolton, the author of "Paddle Your Own Canoe" and other poems, would now address us. This she did, reciting the poem for our benefit. Nobody ever thought of objecting to anything that Manson did, and no finer illustration could be found of the influence of a simple and lovable character upon a turbulent and often unreasonable body of men than the control of the Senate by this old warrior during the session of 1885.

In looking over the chronicles of this session and the abstracts of the debates in the Brevier reports, I am confronted with a record of remarkable garrulity. I introduced more bills and made a great many more speeches than any other man in the Legislature, and at this moment I wonder that my fellow-members bore with me as well as they did. That a man of no great experience should be telling a body of this description what it ought to do upon every possible subject is not easily to be endured. They had, however, an effective remedy—they could easily vote me down, which they generally did.

I introduced as the first measure of the session a Civil-Service bill similar in its provisions to the federal law. I addressed the Senate on the subject at length, setting forth as fully as possible the advantages of the competitive system and urging its adoption. Quite a large audience had gathered on this occasion. Among the auditors was the Vice-President elect, Hon. Thomas A. Hendricks, who, while on the same ticket with Mr. Cleveland, was not at all in favour of this "schoolmaster plan," as he called it. He probably came out of curiosity to hear what could be said in favour of such an impracticable scheme. The



Democrats never intended to allow the bill to become a law, but they gave me the compliment of supporting it upon the second reading and it was ordered engrossed. When it came up for final passage a number of these votes were changed, and it was defeated.

#### INVESTIGATION OF THE STATE TREASURY

When the Legislature of 1885 convened, Albert G. Porter, the Republican Governor whose term was just expiring, called our special attention in his message to the condition of the funds of the state, and recommended an examination into the condition of the Treasury. I accordingly moved for a special joint committee to count the money and report what disposition had been made of the public funds. The resolution, however, was opposed, and an amendment adopted that the committee should report, first, what legislation was desirable and, second, whether any investigation was necessary! I was made one of the members of this committee.

Mr. Warren G. Sayre had been appointed by the House of Representatives as the Republican member for that body, and he and I, who were old friends from the previous session, made up our minds that if the Democratic majority in the committee stifled an investigation we would lay bare their conduct before the respective houses.

The committee counted some seventy-six hundred dollars in cash and looked at certain drafts, checks, certificates of deposit, and county orders shown by the Treasurer, amounting to some four hundred and eighty-odd thousand more, but they limited themselves to this inspection and made no enquiries as to the ownership or validity of any of these assets. The majority refused to allow us to ask whether any interest had been received, or indeed to ask any questions whatever or to count any special deposits or enquire concerning the solvency of the depositaries. The committee then adjourned to enable the majority to prepare their report.

But in spite of these handicaps Mr. Sayre and I had observed some curious facts. Ninety-six thousand dollars had been de-

posited in one of the banks on Sunday, when the bank was not open; in a number of the vouchers purporting to be several months old the ink was fresh; sixty-four thousand dollars were in county orders long past due and unpaid, and as to some of these the Treasurer said he would gladly remit the interest if he could get the principal. As to a fifty-thousand-dollar special deposit we were informed that the sum had been borrowed and was not the property of the Treasurer at all; and finally we learned that thirteen thousand dollars had been deposited in two insolvent banks. All the securities and vouchers had been taken in violation of law.

When the committee reconvened, the majority report (which had been prepared in caucus) was read to us. It declared that since the state had furnished the Treasurer no safe place to keep the money, his disposition of the funds involved the least possible risk, and that there was no reason why there should be any further investigation.

The majority were in such haste that they told Mr. Sayre and myself that we might present our minority report directly to the two houses without first submitting it to the whole committee. We worked far into the night upon this document which set forth the foregoing irregularities. On the following morning I read the report to the Senate as impressively as possible, with emphasis upon each of the shortcomings disclosed. The astonishment and rage of the Democratic members was unbounded. The majority of the Committee had not observed the fresh ink, the Sunday dates and other circumstances which made our report so formidable. Senator McCullough, the Democratic leader, declared that our purpose was political, to show that the Treasurer had received interest on the state's money and then go to the people with the cry that this belonged to the state. By not giving the Treasurer any secure place to keep the funds and by allowing him only the pitiful salary of three thousand dollars, the Legislature had recognised that the interest which the Treasurer got from the funds was his own!

But it was not only this sort of logic which adorned the record of our proceedings on the subject of the State Treasury. There were also gems of passionate oratory. Among these was a speech

from "Green Smith," the senator from Jackson and Jennings. "From what source do these charges come?" demanded Mr. Smith. "Who is the witness that has thus borne testimony? Eye hath not seen his hideous form; ear hath not heard his lying voice; he has not been unmasked to the public gaze, nor has he written his name in the book of public accusation, but from the filth and the grease of the gutter the puny head of this vile calumniator arises, smoking with the fumes of hate, and through the channels of vague suspicion and dishonourable rumour he breathes his malicious poison into the ears of the people of Indiana. But since silence has cast the mantle of protection about the head of the unworthy author of this political libel, it may not be improper if I should say that the ex-Governor of Indiana, from the beginning of this investigation, shadowed the minority like a ghost of ill-omen, and with his cold and designing nature guided its every action and inspired its every motive. . . . The minority report is as much his work as if he had penned it. The hand is the hand of Esau, but the voice is the voice of Jacob."

The most striking feature of the debate came in the speech of Rufus Magee, the Democratic senator from Logansport, a man, as I have said, of admirable independence. He declared that he could not see why this enquiry was not to be met in that spirit of fairness in which a man would wish to meet it who desired close scrutiny as to his trust. He cared not whether the insinuations of Governor Porter were begotten in malice or not, the people had a right to know whether the moneys they had paid for taxes were on hand. He undertook to say they were not. He charged that on this very day a warrant drawn against the general fund had been protested, and he had the authority of the gentleman who held the warrant for saying so. The Treasurer of the State ought at once to invite the General Assembly to make a complete investigation.

Mr. Hilligass followed with a bitter tirade against the minority of the Committee. Both he and Green Smith were very personal, and the words "liar and falsifier" had been uttered with great vehemence. It was now my turn to close the debate for the day. In the gentlest tones and the most benevolent language I could command I replied that I would not retort in kind with the epi-

thets in which they had indulged. The senator from Jennings did not lie, he was merely mistaken. At this mild rejoinder the galleries and the Senate itself gave evidence of amusement and approval. I then pointed out how we had learned each fact in our report and asked why the Indianapolis *Sentinel* and the Cincinnati *Enquirer*, both Democratic organs, took the same view that we did, and why Magee and other Democratic leaders had insisted that the Treasury needed an investigation. I also exhibited a certified copy of a claim made by the Treasurer for the purpose of obtaining a dividend upon moneys of the State lost in the Fletcher and Sharpe bank. When the debate closed late in the afternoon we had won a distinct victory in the argument.

On the following day the discussion was resumed. Mr. McCullough closed the argument. What good, he asked, would the investigation do? Why take the time of the Legislature in enquiring what interest had been received? If the Legislature would turn its attention from this political claptrap and secure the people's money for the future, it would perform its duty. Within a few days the Treasurer would be required to give a bond for seven hundred thousand dollars and the men who would go on this bond would investigate the matter for themselves. Upon concluding his speech Mr. McCullough moved the previous question; it was adopted, the majority report was concurred in, and the investigation suppressed.

The legislation proposed by the committee did something to protect the state funds by requiring a larger bond, but it enabled the Treasurer legally to deposit and invest the state money in banks and elsewhere without accounting for interest, a course which succeeding Treasurers of both parties continued to follow. For many years the office of State Treasurer was believed to produce enormous returns to those who managed it in this improper way. No actual defalcation afterwards came to light, but it was many years before this wasteful system was abolished.<sup>2</sup>

<sup>2</sup> There was another gem of oratory in these debates. In the other branch of the General Assembly Mr. Patton, one of the Democratic leaders, in answer to the criticisms of the Treasurer made by Mr. Sayre, closed his speech with the following peroration which in the

## TOLERATION TOWARD THE NEGRO

Reactionary on most subjects as this Legislature was, it displayed liberality in its treatment of the negro quite unusual in a Democratic body. One of the two members of the House of Representatives from my own county was the Rev. J. M. Townsend, a mulatto, the pastor of one of the negro churches in Richmond. He was a man of high character, of gentlemanly behaviour and considerable attainments, being well educated and having travelled in various parts of the world. He was universally esteemed by his fellow-members, and the Democrats appeared to vie with the Republicans in their respectful and courteous treatment of him. He went with us, without objection on the part of any one, on several junketing expeditions, dined at the same table with the rest of us, and was treated so far as I could see in exactly the same manner as if he were a white man. When, however, he introduced into the House a bill abolishing the disabilities of his race and urged its enactment in an able speech, the Republicans supported the measure, but the Democratic majority voted it down. But a Democratic senator, Dr. Thompson of Indianapolis, introduced a civil-rights bill which provided for giving to all people without regard to race or previous condition the advantages of all places of public accommodation and amuse-

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tropical luxuriance of its imagery and mixed metaphors would be hard to match:

"The gentleman from Wabash and Kosciusko puts on his feathers and war-paint, constitutes himself the Republican Warwick, and like the Colossus of Rhodes bestrides the swash of Republican corruption and attempts to purify the polluted waters of the Stygian stream by dragging the untarnished reputation of Democratic officers into it, but the gentleman, like the puny, ephemeral insect which dances in the sunshine for a moment and then ignominiously perishes, when he came in contact with the blaze of Democratic investigation with his false charges, was scorched to death, and he cannot avert the fate of his party, which will be overwhelmed by the waves of oblivion and sunk deeper in obscurity than the long-lost *Atlantis*, which lies buried fathoms deep at the bottom of the ocean. We have opened the books, and the first score is for an honest man and Democratic reform!" Mr. Patton's predictions were not however confirmed by the subsequent State election in which the Democrats were disastrously defeated.

ment, and providing penalties for violation of the law. Its provisions were substantially the same as those of the federal civil-rights bill, which had recently been declared unconstitutional because the subject was properly one for state and not for national legislation. This bill was passed by a very large majority and became a law.

I cannot look back upon this period of toleration toward the negro and compare it with the relapse into race prejudice which has taken place since that time without keen regret. It would be quite impossible now for a negro, however excellent his character or high his qualifications, to be elected to the Legislature, and when I think of the numerous conferences I had with Mr. Townsend upon the measures before us, in which he was always animated by the sole purpose of promoting the public welfare, I cannot but feel that we have gone back a long way from the ideal which we ought to have: that personal character and attainments, and not race, sex, nor anything else beyond a man's control should be made the standard of selection for public office and the basis of our treatment of individuals. Our country has no doubt the right to protect itself against an unlimited immigration of people belonging to other races which might threaten its institutions and character, but in its treatment of its own citizens it can well afford to be absolutely just.

## CHAPTER V

### PUBLIC QUESTIONS

SLOWLY the gates of opportunity  
Open at last, and ever more and more  
Woman is ruler of her destiny;  
Shattered is many a bond that once she bore;  
All shall be broken! Man shall seek her aid,  
Not in the circle of the hearth alone,  
But in the halls of state, where wife and maid  
Shall speak with voice as potent as his own.  
God speed the moment when in every land  
All doors shall open to a woman's hand!

—*To Womankind.*

### WOMAN'S SUFFRAGE

After moving to Indiana, a careful study of Mill's "Subjection of Women" and Spencer's "Social Statics" convinced me that the notion that women ought to be kept out of all political rights was founded, not upon the reason of the thing nor upon the essential differences of the sexes, but upon custom, prejudice and preconceived opinion. It was noticeable that the lower the grade of civilisation the more completely were women kept in subjection to men. I had once seen when travelling across the plain in Nebraska in 1870, a Pawnee warrior and his wife trudging back to the reservation. The man had upon his shoulder nothing but his gun. His squaw bent under a load of hay that seemed big and heavy enough for an ox. Finally the man grew tired of carrying the gun, put it on top of the hay, and went on unencumbered. This was typical of the treatment of women among savages; as civilisation advanced and there was a greater regard for justice, the condition of women improved, and it seemed natural to believe that in its highest stages women would be regarded politically and in every other way as the equals of men. If it were true that taxation without representation was tyranny,

why should women be taxed and be subject to the laws and yet not be represented in making them? The demand for woman's suffrage was really the demand for woman's liberty, for it was suffrage which, in the last analysis, framed the laws that determined how far individual liberty should be restricted by the state. The unlimited right of one class or sex to make the laws which should control another was essentially tyranny.

In the early eighties Lucy Stone and Henry B. Blackwell came to Richmond to attend a convention of Indiana suffragists. I was greatly impressed with the logical arguments of Mr. Blackwell and the winning persuasiveness of Lucy Stone, and the friendship then formed with them lasted as long as they lived.

At that time it was proposed that a constitutional amendment granting suffrage to women should be submitted by the Indiana Legislature to the people for adoption. I was asked at this meeting to express my views upon the subject, which I did in some remarks that were favourably received. Not long afterwards, at a convention of the American Woman's Suffrage Association in Chicago, I was elected its president. There were at this time two suffrage associations in the country. One of them, the "American," was under the leadership of Lucy Stone, Henry B. Blackwell, Julia Ward Howe, and Mary A. Livermore, and the other, the National Woman's Suffrage Association, under the leadership of Elizabeth Cady Stanton and Susan B. Anthony. Anna Howard Shaw was prominent in both. There had been a division in the ranks of the suffragists some years before, the views of the National Association being more radical than those of the American. The National devoted its energies mainly toward influencing Congress to pass an amendment to the Federal Constitution granting suffrage to women, and the American mainly to propaganda in the various states. Some of these states, for instance, Wyoming, had already incorporated provisions for woman's suffrage in their constitutions.

It had been the custom of the American Association to elect alternately a man and a woman as its president. Henry Ward Beecher had at one time held that position. I was chosen in what happened to be the man's year, but at the end of that year I was again elected, contrary to the previous custom, and I re-



mained in that office until the two bodies merged in the National-American Association in 1890.<sup>1</sup>

After the two associations united there was a feeling that the management should be more exclusively in the hands of women, which was indeed quite natural. I therefore dropped out of active participation in their work, though I afterwards spoke at some of their meetings and still continued to be active in the movement in other ways. I was acting chairman of the Committee on Suffrage at the Congress Auxiliary to the World's Fair at Chicago in 1893, and was much embarrassed when, at a mass meeting in the Art Institute at which Susan B. Anthony presided, she requested me to rise so that she might show the audience the man who had been president of the American Association and who had done so much in various ways for equal suffrage! I never felt quite so sheepish as when thus exhibited.

Miss Anthony was not always tactful, but she had a high quality of another sort: a sturdy honesty in saying the thing she meant and the thing she considered right, whether or not it was palatable and appropriate. Her predominant characteristic was her dauntless moral courage. She died March 13, 1906, without seeing the accomplishment of all she had striven for, although she plainly saw the beginning of the end—the enactment of laws granting to married women power over their property and children, as well as limited political rights in many states, and the full right of suffrage in a few of the newer states of the West. Since her death she has become even more widely known than in her lifetime on account of the constitutional amendment which bears her name.

I cannot leave this subject without relating an incident, which, while it has no direct relation to woman's suffrage, occurred in connection with one of the meetings of the American Woman's Suffrage Association.

While attending an annual convention of that Association held at Minneapolis, Mrs. Julia Ward Howe and I had been asked to go over to St. Paul one evening and speak. There was no hall

<sup>1</sup> The convention where this was done was held in Washington. Mrs. Stanton delivered the final annual address for the National and I for the American. (See Appendix II.)

available, and those in charge of the meeting had secured for us a Jewish synagogue. The train brought us to the city nearly an hour before the meeting, and on going to the synagogue Mrs. Howe and I found the rabbi and his two sons putting wood into the stove on the lower floor in order to heat the room above. After they had finished, the rabbi began to talk with me, and he asked me among other things if I was acquainted with Felix Adler. I told him that Dr. Adler had been a student at Columbia College when I was there and that I knew him well. Whereupon he said to me, "That is a very fine young man. He was the son of the Rabbi Adler of the Temple on Fifth Avenue. Do you know what was the salary of the rabbi of that Temple? It was ten thousand dollars a year. Now this young man graduated, as you know, at Columbia College and was then sent to Germany to complete his education. He was a young man of great talent, and it was generally understood that when his father retired he would succeed him. But when he came back from Europe a reception was held for him, and what do you think the young man did? He told the members of that congregation that he could no longer believe in the faith of his fathers. Now I was very sorry for that, but I want to tell you, Mr. Foulke, *that was a very honest young man who could throw away ten thousand dollars a year just for the sake of telling the truth!*"

Some years afterwards Dr. Adler came to spend a day or two with me at Richmond, and I told him the story. He smiled, but did not deny it.

#### CIVIL SERVICE REFORM

The public question to which I have given more attention than to any other is Civil Service Reform. I began to take part in the movement for this reform shortly after the enactment of the Pendleton Law, and my interest and activities in it have continued up to the present time.

Since an account of these activities has already been given in a previous book,<sup>2</sup> they will not be considered here in detail.

<sup>2</sup> "Fighting the Spoilsmen," Putnam's, 1919.

It was in 1883 that I joined the National Civil Service Reform League and became associated with George William Curtis, Carl Schurz, Dorman B. Eaton, and other leaders of the movement.

A Civil Service Reform Association was organised in Indiana, of which I became the first president. We made a searching investigation of the conditions in the Hospital for the Insane at Indianapolis, which was then under political management and in which the spoils system led to the most horrible abuses of the helpless patients. After years of controversy, in which the question was repeatedly made a political issue, this partisan system was at last overthrown.

Our association also investigated the Federal service of Indiana under President Cleveland, who had inaugurated a system of removals of Republicans from office under secret charges and had permitted other abuses. Mr. Lucius B. Swift and I appeared before a Senate Committee and reported the results of our enquiries.

Cleveland's shortcomings in regard to the Civil Service had much to do with the election of General Harrison as his successor. But Harrison disappointed us still more. The removals upon secret charges (which he had denounced before his election) were continued under his administration, and the political changes made in the Federal service were all but universal.

I was appointed chairman of an investigating committee of the National League and spent a winter in Washington enquiring into the condition of the Federal service, which was in many respects deplorable. We published our conclusions, and these were not without influence in the presidential campaign in which Harrison was defeated. During his second term Mr. Cleveland made numerous and highly important additions to the classified lists and in other ways showed his friendship for the competitive system, but when McKinley followed there was again a period of reaction. I was once more made chairman of an investigating committee, and we published nine reports showing serious shortcomings. When, after McKinley's death, Roosevelt succeeded, I became one of the Civil Service Commissioners and took part in many extensions and improvements of the classified system,

until, in 1903, I was compelled to relinquish my position on account of failing health.

Mr. Taft, who followed Roosevelt, was very friendly to the law, but was sometimes lax in enforcing it, and I made on my own account certain investigations and remonstrances in cases of this kind.

After Mr. Wilson's election the National Civil Service Reform League again had up-hill work, for in spite of his theoretical friendliness to the system, one class of positions after another was omitted from it by Congress with his approval, and with the exception of Presidential postmasters (whose places were made competitive by executive order) a backward movement could be distinctly observed.

The general advance, however, during all these years has been very great. The classified system, which began with about fourteen thousand places, has now grown to many hundreds of thousands. Political coercion and activity have greatly diminished, and instead of this vast multitude of places becoming the mere spoils of politics they have been largely distributed among men who have shown by competitive tests that they were the best qualified for the positions they sought. The system has also been extended to a great number of states and cities.

The work by which this has been accomplished was often strenuous. The abuse heaped upon us in early days by the politicians whom we were stripping of power was venomous and long continued. The scenes in which I took part were often picturesque and amusing, and to look back to-day upon the work done and its fortunate outcome is a source of unbounded satisfaction.

#### PROPORTIONAL REPRESENTATION

Among the various subjects discussed at the World's Suffrage Congress in 1893 was proportional representation, a system by which minorities can be represented in legislative bodies according to their size. A local club had been organised in Chicago to promote this system, and one afternoon there was a vigorous debate on the subject. It was at this time that I became convinced of the importance of this reform.

Very few Americans realise how clumsy is the district system of electing representatives. It gives no certain assurance that the wishes of the people will be represented at all. A majority of the electorate may be so distributed that it cannot control the majority of the districts. The state of New York can furnish illustrations. It has often happened that the governor, elected by the whole body of the people, has been a Democrat, and yet that the Legislature was Republican and must have misrepresented the political views of the voters. Under the district system this could not be avoided, for the great Democratic majorities were massed in the city of New York, and the representatives elected by these were more than offset by those chosen by the slenderer Republican majorities in other parts of the state.

This is bad enough where no conscious effort is made to prevent fair representation, but it becomes worse when the party temporarily in power purposely arranges the districts in such a manner as to give itself thirty, forty, or fifty per cent more places than it is justly entitled to and thus retains control of a legislative body, although defeated by a popular vote. This is simply usurpation under the forms of law.

Again, since the different sections of the state or city continually change in population, frequent readjustments are necessary and reapportionments take place at stated periods a few years apart with the same wearisome political struggle between the parties, the one in power seeking to take unfair advantage of its opponent.

The district system prevents the normal and healthy union of those who think alike and desire to vote for the same candidate. These are now separated from each other by arbitrary lines and are often prevented from acting together. There is no law to prevent men from uniting to build ships and railroads to the extent of their capital. But here we have a law which says to the voters, "You shall not combine your voting capital—your ballots—unless you all live in the same district." What should we think of a rule dividing the stockholders of a great railroad company by geographical lines and prohibiting those residing in different districts from voting for the same directors?

The district system offers special facilities for corruption in

the shape of certain closely contested districts where the change of a few votes will secure a different representative and the change of a few representatives will change the character of the Legislature. The vote-buyer confines his activities to these "pivotal" districts. Here a hundred purchased votes are of more political value than a thousand freely given elsewhere. If districts were abolished and representation were proportional, the vote-buyer could not purchase a larger proportion of legislators than would be represented by the votes he bought.

Another evidence of the crudity of our present method is seen in the great number of wasted votes. Under the district system these generally amount to nearly half, and in some cases to more than half, of the whole. If I am a Republican and a Democrat is elected in my district, my vote has been in vain. This is unnecessary. Under Proportional Representation nearly every vote counts in electing a proportionate number of representatives from each minority party.

Another objection to small districts (and districts electing a single member are the smallest possible) is that they lead to the election of small men. A man of ability and reputation will be reluctant to be the mere representative of the fifth ward, but he would take a different view of his office if he were one of the representatives of a whole city. Proportional representation will produce broader men, and they will act upon broader principles. Moreover, the district system has led to the custom that the member elected must reside within the district he represents. In some cases, indeed, this is required by law. The result is that the choice of available candidates is needlessly restricted.

There is another reason why the present system is likely to lead to the choice of inferior men. The principal question considered when a candidate is nominated is his availability—how many votes will he poll? The man who has taken a leading and aggressive part in public affairs treads upon many toes and makes many enemies, so a candidate must be chosen who will not awaken opposition, an agreeable man, a commonplace man, who keeps a safe position upon the fence. The district system fastens servility upon the representative. Proportional representation, upon the other hand, stimulates independence and leadership, for if a member can

retain a single group who prefer him to his competitors he can still be elected, however unpopular he may be to all others, and he can thus remain true to his convictions. Proportional representation thus leads to the election of abler and more independent men.

The main objection to proportional representation is that if every phase of thought is thus allowed to appear in the representative body, this body will always be made up of groups, no one of which can control its action or be responsible for its legislative policy, and that some small group may hold the balance of power, whereas an absolute majority one way or the other is desirable.

But is this the fact? For executive and administrative purposes unity is necessary to good government; but is an absolute majority in a deliberative assembly desirable if there be no such majority among the people at large? For legislative action we need diversity; deliberation induces compromises and the comparison of different ideas is necessary for the best result.

By the present system these compromises are made, before the election, within the two great parties and amid the excitement of a political convention. When proportional representation is adopted, those compromises will be made in the legislative body itself where all can see more clearly the strong and the weak points of every claim. Small factions may occasionally control the balance of power and get more than they are entitled to, but this will only be the case where there is some greater issue between the larger parties which compels the relinquishment of a smaller thing for the sake of obtaining a greater thing. The fairest compromises are most likely to be made when all phases of popular thought are proportionately represented.

This kind of representation is particularly valuable in municipalities, where it offers the best means of divorcing local government from national politics. If groups are chosen in the City Council each representing some particular point of view, which will be largely upon local questions, business administration will naturally take the place of political administration.

It is astonishing to any one who studies the subject to see how admirably the systems of proportional representation established

in the Swiss cantons and municipalities, as well as in Belgium, Denmark, and other places, have secured the desirable results above set forth. I could not fail to be interested in a movement which promised to eliminate so many evils, and I accordingly became an active supporter of proportional representation.

On the invitation of Dr. Felix Adler I spoke on November 12th, 1893, before the Society of Ethical Culture at Carnegie Hall, New York, upon that subject, and two days later I had a joint discussion at the Nineteenth Century Club at Sherry's with Judge William J. Gaynor, afterwards mayor of New York.

The New York papers published editorials on the subject, and those interested in the movement thought this would be a good opportunity to organise a society to advocate proportional representation. Accordingly an invitation to a dinner given by the promoters<sup>3</sup> of this plan was sent me, and we discussed the subject in detail. Within a short time as a result of this conference the Proportional Representation Society of New York was created with Mr. Simon Sterne as president.

In the meantime a national organisation, the American Proportional Representation League, had been formed in Chicago, and I was made president. By the untiring efforts of Stoughton Cooley, the secretary, *The Proportional Representation Review*, a quarterly magazine, was regularly issued for a number of years. It contained valuable articles not only from prominent Americans, but also from many foreign contributors.

Some two years after the organisation of the League a convention was held at Saratoga which, after a discussion of two days, adopted resolutions advocating the Swiss system. Since that time, however, the Hare system has been generally preferred for all elections in which the ballots can be conveniently assembled.<sup>4</sup>

<sup>3</sup> Horace E. Deming, Thomas G. Shearman, Daniel S. Remsen, Charles S. Fairchild, Edmond Kelly, Oscar S. Straus, Wm. W. Ivins, Simon Sterne, Alfred Bishop Mason, Felix Adler, and Dorman B. Eaton.

<sup>4</sup> For the details of the various systems see "Proportional Representation," by John R. Commons, pp. 114, 119, et seq., and the Model City Charter prepared by the National Municipal League, 1916. Also see a special supplement of the *Proportional Representation Review*, January, 1919.



The work of the League was conducted mainly by correspondence, and the Association has been continued down to the present time. Its successive secretaries have shown remarkable energy; the present incumbent, Mr. C. G. Hoag, of Haverford, has literally devoted his life to this cause, and it is mainly due to his unremitting labours and to those of Prof. Augustus Raymond Hatton of the Western Reserve University that the Hare system has been introduced and successfully carried on in Ashtabula, Ohio; Sacramento, California, and elsewhere.

The importance of Proportional Representation has become much greater since the growth of the Soviet government in Russia and the threat to existing institutions caused by the propagation of Bolshevik principles. It seems to offer a satisfactory solution for the claims of those who insist that various trades or guilds should be represented rather than mere geographical units. It does not, however, make such trades or guilds the only basis of representation. Each citizen, be he farmer, business man or workman, may unite with those of his own neighbourhood, his own trade, his own class, his own race, or his own mode of thinking in other matters, just as he will, without being forced into any particular kind of combination. Constituencies thus form themselves and constantly adapt themselves to new requirements, and the legislative or governing body is composed of all these groups in proportion to their actual numbers, and can really speak for the people in the way they desire. The legislative body becomes like the image in a camera representing the whole public, reduced in size to the limits required for deliberation.

In 1921 I retired from the presidency of the League, being succeeded by Mr. Richard S. Childs, who had been long connected with the Short Ballot movement and with the work of the National Municipal League.

#### THE RUSSIAN QUESTION

I became greatly interested in the history of Russia, especially in the events showing the encroachments of that empire in the Balkan peninsula, in Central Asia, and in the Far East. In 1887 I published a monograph entitled "Slav and Saxon" in Putnam's

Series of "Questions of the Day," showing what then seemed the menace of the autocracy to free institutions. There were afterwards two revised editions of this book bringing the historical review down to 1904.

It was about the time of the publication of the first edition that Russia submitted to America the proposal for a new treaty for the extradition of criminals providing that murder or manslaughter, comprising the wilful or negligent killing of the sovereign or chief magistrate of the state or any member of his family as well as an attempt to commit or participate in said crimes, should not be considered an offence of a political character.

This treaty was signed and submitted to the Senate for ratification. It seemed evident to me that under these words, apparently so reasonable, the Russian Government would soon ask the United States to surrender all persons suspected of revolutionary designs.

Now extradition ought to be allowed only when the legislation of the state which demands it conforms to the principles adopted by civilised nations. In respect to political trials, Russian jurisprudence did not conform to these; no jury was allowed; the trial was by a military tribunal; the accused was not entitled to representation except by some officer of the army who held his place and his life subject to the disposition of the government; the trial was secret, and the judgment and sentence were frequently prescribed beforehand. Even if the accused were acquitted he was by no means discharged, but might be transported by mere administrative order to the most inhospitable regions of Siberia.

Russia wanted the United States Government to declare that the revolutionary movement in Russia had no political meaning, and that any attempt which should endanger the Czar's life, even for the purpose of obtaining constitutional government, should be regarded as simply a plot to commit murder. This was a concession that the Russian Government had not yet got from any of the powers, except Germany and Austria. England had remained true to its traditional policy, and had refused.

I urged these considerations in a circular letter addressed to each of the Senators. I had very earnest co-operation from David Turpie, one of the Senators from Indiana, and for a time the

effort to secure the ratification of the proposed treaty was defeated, but six years afterwards, under the administration of President Harrison, it was accomplished.<sup>5</sup>

I cannot but regard this treaty to-day as one of the most dishonourable episodes in the history of American diplomacy. Our government was anxious to retain the friendship of Russia, especially in view of the Behring Sea arbitration in Paris, which was then pending, but it paid too great a price.

I afterwards became the president of the "Friends of Russian Freedom." This association had no very definite organisation, but acted as occasion offered. It was, I think, in 1904, that Catherine Breshkovsky, the "Little Mother of the Revolution," who had escaped from a long exile in Siberia, visited America. A meeting was held in Faneuil Hall in her honour, at which I pre-

<sup>5</sup> The following letter which I received from George Kennan explains the manner in which it was ratified:

"The treaty went through in 1893, not because the public was apathetic, but because the proceedings of the Senate in executive session were kept so secret that the public did not even know it was under consideration until after it had been approved. It was ratified by the Senate February 6th, and the first intimation the public had that it was even under consideration, was the resolution offered by Senator Turpie, in open session of the Senate, February 7th. Even then the treaty was supposed to be merely under consideration, and the fact that it had been ratified was not known even as late as April 7th, when some of the strongest and best known men in New York united in the Charles Adams protest to the President, the Secretary of State, and the Foreign Relations Committee of the Senate. . . .

"The opposition to the treaty in the country at large was active, unanimous, and overwhelming. A number of State legislatures adopted resolutions of protest, including Ohio and Illinois; their example was followed by all sorts of organisations, including the Federation of Labor; meetings were held in all the larger cities; and the newspapers of the country almost without exception denounced the treaty and urged the Senate not to ratify it. I myself have seventy-five or a hundred editorials in opposition to the treaty from the most influential papers in the country, and I didn't get a tenth part of them. I have never known the country to be more united on a question of foreign policy. But all this storm of protest came too late. It didn't get under way until March, and the treaty was secretly ratified the first week in February before anybody knew that a treaty abandoned six years earlier on account of the opposition to it had again been taken up."

sided, and Mrs. Julia Ward Howe gave an address, followed by Madame Breshkovsky, who spoke in Russian. There was a great audience which packed the hall, and hundreds, perhaps thousands, were turned away. This audience was composed of a motley assembly of Russians, Poles, Bohemians, and Jews, and when Madame Breshkovsky rose to speak she was greeted with frenzied enthusiasm. She was followed by a man who spoke in Polish, and by another who spoke in Yiddish, both of these denouncing the Russian Government and the existing ministry with great bitterness. These speeches too were greeted with wild applause. Neither Mrs. Howe nor I could understand a word of them, and when I met her some years afterwards at her Newport home (this was our last meeting) I recalled these incidents to her recollection and added, "I have no doubt they said all sorts of things which you and I wouldn't approve of, and very likely if we knew it all we might find that we had made fools of ourselves." The old lady, who was then nearly ninety years of age, straightened herself and said with quiet emphasis, "We could afford to make very great fools of ourselves in the cause of Russian freedom." I always admired Mrs. Howe, but never so much as at that moment.

Some years later, when I was in Petrograd and saw Professor Miliukoff, the leader of the Constitutional party of the Duma, he told me that he was in America at the time and knew of this meeting in Faneuil Hall, but that he would not have dared attend such a meeting himself; that if he had done so he could never have returned to Russia. He said he hoped the Russian Government would not learn that I had presided or I would have short shrift in that empire. But nobody there found it out.

#### THE NATIONAL MUNICIPAL LEAGUE

During the early years of the present century I began to be much interested in the work of the National Municipal League, an organisation devoted to the study of the problems of city government. James C. Carter of New York was its president, and Clinton Rogers Woodruff of Philadelphia, its secretary.

I had attended a number of conferences of the League, had

made some addresses and taken part in its discussions, when in 1910, at Buffalo, I was elected president, succeeding Charles J. Bonaparte, who had followed Mr. Carter in that office. I remained at the head of this organisation for five years, although Mr. Woodruff, the secretary, was always the responsible director of the work.<sup>6</sup>

The most important work of the League during this period was the preparation of a new municipal programme, including proposed constitutional amendments and a model charter. A committee was appointed for this purpose, of which I was made chairman.<sup>7</sup> We prosecuted our work assiduously for two years, completing our labours in December, 1915, after which our programme was submitted by a referendum to all the members of the League (over two thousand in number), by whom it was finally adopted.<sup>8</sup>

The charter and amendments which we recommended embodied

<sup>6</sup> I delivered each year the annual address. The first of these was at the meeting at Richmond, Virginia, November, 1911, describing the city government of Frankfort-on-the-Main, of which I had made a comprehensive study while in Germany the preceding summer. The second was on "Expert City Management" in July, 1912, at Los Angeles, to which place we had been invited by the Mayor and Council to give them advice as to the provisions of a new charter which was then being framed by a special charter commission; the third was on "Public Opinion," at a meeting held in Toronto, Canada, in 1913; the fourth, delivered at Baltimore in November, 1914, described the recent development of city government in America; the fifth, my valedictory, was at Dayton in November, 1915. It was entitled "Coming of Age," since the League was then twenty-one years old, and in it I reviewed the work of the organisation and the general municipal progress in the country during this period.

These addresses will be found in various numbers of the *National Municipal Review*.

<sup>7</sup> The other members were A. Lawrence Lowell, Clinton Rogers Woodruff, Richard S. Childs, Delos F. Wilcox, M. N. Baker, Mayo Fessler, Robert Treat Paine, and Professors William Bennett Munro, A. R. Hatton, John A. Fairlie and Hermann G. James.

<sup>8</sup> The provisions of this programme are fully discussed in a book entitled "A New Municipal Program," containing articles written by various members of the committee and edited by C. R. Woodruff (D. Appleton & Co., 1919).

in concrete form the constant development in public opinion that had been going on since 1899—first, in favour of giving cities greater power in framing and amending their charters and administering their governments; second, in the abandonment of the so-called federal plan with its checks and balances in favour of a system of simpler and more responsible government with a city manager as the administrative head; third, in the employment of experts selected upon proper Civil-Service tests and without reference to politics; fourth, in the attempt to give the people a more direct control of the government by open primaries, by the preferential vote or by proportional representation, by a non-partisan ballot and by the initiative, referendum and recall.

At the annual meeting in Dayton, Ohio, in November, 1915, our work on the model charter being completed and my health being poor, I declined a re-election to the presidency of the League and was succeeded by Mr. Lawson Purdy, who was perhaps the best expert in the country in matters of city finance and taxation and was eminently qualified to take up the work on these subjects which then seemed to lie more immediately before us. Mr. Purdy was afterwards succeeded by Charles E. Hughes, who resigned when he became Secretary of State under President Harding, and was followed by Henry M. Waite, who had been city manager of Dayton.

## CHAPTER VI

### POLITICAL ACTIVITIES—IMPERIALISM

LAND of my heart,  
What future is before thee? Shall it be  
To lie at ease, content with thy bright past,  
Heedless of all the world, till idleness  
Relax thy limbs, and swoln with wealth and pride,  
Thou shalt abandon justice and the poor?  
Or shalt thou, reawakened, scatter wide  
The glorious tidings of a liberty  
That lifts the latch of opportunity,  
First to thy children—then to all mankind?

—*Ad Patriam.*

See *infra*, pp. 106, 107.

### EARLY POLITICAL AFFILIATIONS

As the home of my childhood had been one of the stations of the Underground Railway at which we occasionally helped fugitive negroes on their way to liberty, we were naturally much interested in the Slavery question, and took some part in Anti-Slavery propaganda. I often heard the leaders of this movement in their public addresses and have a very vivid recollection of the superb oratory of Wendell Phillips. No one who has ever listened to him can forget the effect of his wonderful delivery. It was not like that of any other man. It was statuesque. I have seen him stand quietly before an audience, with one hand behind his back, making hardly a gesture with the other, his eyes nearly closed, speaking in a low, perfectly clear and rather monotonous voice, words that made your blood run cold. It was not that these words were in themselves always sound and reasonable. He used to "gibbet" the apologists for Slavery and sweep millions of guilty souls "into the Gulf" with most remorseless eloquence. It was said of him that he often uttered the philosophy of the fishwife in the language of the philosopher.

But while he was speaking, conviction was inevitable. The last occasion on which I remember hearing him was at a meeting when the Anti-Slavery Society was dissolved. Theodore Tilton, Lucretia Mott and a number of others had spoken; Phillips confined himself to one reminiscence, that of a former meeting of the Society which was interrupted by the entrance of Marshal Isaiah Rynders and a troop of New York thugs and "blag-uglies." He told of a little Quaker lady sitting on the platform who, seeing her grandson among those trying to break up the meeting, said to him reproachfully, "Samuel, Samuel, what is thee doing here?" and he described as no other could have done the discomfiture of the boy and his companions and their speedy retreat from the hall. There was little in the story, but the manner of telling it, the quiet restraint, the clear enunciation of every word, were such that, while the other things said on that occasion were speedily forgotten, this incident still remains.

When the Republican Party was organised we did not share the views of the extreme Abolitionists in their demand for "absolute, immediate, and unconditional emancipation," but rather the more practical demand of the new organisation for the exclusion of the system from the territories which were under the control of the Federal Government. During the Civil War we were warm supporters of Abraham Lincoln in his great aims—the preservation of the Union and the emancipation of the slaves. After the war the course of Andrew Johnson filled us with disgust and we supported the Republican Congress in its policy of reconstruction.

Besides these national issues there were municipal questions in which we took a profound interest. I was practising law in New York at the time of the Tweed régime and still recall vividly the effect of the disclosures of Tammany's corruption in the *New York Times* which, with the powerful cartoons of Nast, had a great influence upon public opinion. I was one of the organisers of "The Young Men's Municipal Reform Association," which took an active part in the campaign against the Tweed ring, and I was afterwards a watcher of the count at one of the precincts on election day. The Tammany politicians had secured all the election officials in that precinct. When the ballots were counted,



there were, say, 247 for the opposing candidate and 160 for the Tammany candidate. But the chief election officer declared the result exactly the reverse, 160 for the opposition and 247 for Tammany. This was done in a perfectly mechanical way as if the conclusion was a matter of course, and not one of the election officers appeared to notice it. I spoke up and declared that the figures were reversed. For a few seconds there was apparent embarrassment, and then, as the tally sheets were still on the table before us and there could be no doubt about the fact, they passed it off as a mere verbal mistake and corrected the returns. In how many precincts, if any, such a simple plan was successful I do not know, but it was not enough to control the result, since Tweed and his gang were thrown from power.

Being much dissatisfied with the administration of President Grant, I attended the Liberal Republican Convention of 1872 at Cincinnati in company with a lot of young fellows from the Free Trade League, of which I was then a member. Our candidate was Charles Francis Adams. But when the result of the final vote was the nomination of Horace Greeley, the leading champion of protection, we took little further interest in the campaign.

#### HAYES AND GARFIELD CAMPAIGNS

When I moved to Indiana in 1876, Rutherford B. Hayes, a clean man, though by no means eminent, was the Republican standard-bearer, while Samuel J. Tilden, whom I had always considered a crafty politician, in spite of his work in the overthrow of Tammany, was the Democratic candidate. I decided to support Hayes and spoke at various places in my own neighbourhood. It was at this time that Tilden's "barrel" introduced an era of political venality in Indiana, and the evil example was afterwards successfully imitated by the Republicans.

Four years later in the contest between Garfield and Hancock I supported Garfield, speaking in many places throughout the State and elsewhere in the Middle West.

It was, I think, during this campaign that an incident occurred which showed me more clearly than I had ever imagined the

fierce animal passions which lie beneath our veneer of civilisation. I had been asked to deliver a Republican speech in New Madison, a town in Ohio about twenty miles distant from Richmond. New Madison was a strong Democratic neighbourhood, and so intolerant were its people that they had never allowed a negro to live among them. A delegation from Richmond went over in a special train. The meeting was large and enthusiastic, but there were surly faces in the crowd which lined the streets during our torchlight parade. We started home, and while the train was passing through a cornfield near the town, some shots rang out which were fired at us from the darkness. One of them entered the window at which I was sitting.

This unprovoked attack filled every one of us with uncontrollable fury. Some one cried, "Pull the rope." Not another word was spoken, the train stopped, and we rushed through the cornfield whence the shots had come. We ran a long way, nearly back to the town, but found no one; the miscreants had had too good a start. If any one had been caught in that field he would not have lived five minutes. I never would have dreamed it possible that I could have felt as I did feel during the time of that pursuit. The psychology of a multitude on such an occasion is inconceivable to one who has never known it. It was lucky we failed in our attempt.

#### THE THREE CLEVELAND CAMPAIGNS

In 1882, as we have already seen, I was elected as a Republican to represent Wayne County in the State Senate. Between the first and second session of my term came the Presidential contest between James G. Blaine and Grover Cleveland in which, as already stated, I declined to take part.

Though I would not support Mr. Blaine, I can quite understand his immense popularity. I never saw him but once. It was at the railroad station at Richmond, where the train stopped for five or ten minutes, and he spoke to us from a box placed against the building. I think this was during the Garfield campaign, four years prior to his own nomination; it was only a

word, but it was extremely effective. He had been told, he said, of the dangerous apathy and disaffection prevailing in the Middle West. He had seen nothing of it. The country was prosperous, the people were contented, no party was ever thrown out of power when this was true, the success of the Republicans at the election was beyond a doubt. And so indeed it proved. He also asked the pointed question, "Why is it that so many men who are free-traders when they leave school or college, become protectionists in after life?"

Not only was Blaine personally very attractive, but as a speaker he was most tractable and satisfactory to campaign managers. In this he was quite different from Senator Roscoe Conkling, who was imperious and dictatorial. In this same Garfield campaign he spoke at Richmond. Prior to his address he reviewed a torchlight procession from the balcony in front of the hotel, and our mayor, General Tom Bennett, at whose side he was standing, gave some orders to those who were below. Conkling tapped him on the shoulder and said, "Mr. Mayor, will you please let *me* manage this demonstration?"

In 1888 I supported Benjamin Harrison, the Republican candidate against Grover Cleveland. Cleveland had bitterly disappointed the Civil Service reformers of our State by turning over the offices to Democratic spoilsmen. He had instituted the reprehensible custom of removing men upon charges filed against them secretly which they were not permitted to see nor to answer. I had been associated with General Harrison in some professional transactions. We were very friendly; I relied upon his strong declarations in favour of Civil Service Reform and took an active part in the campaign on his behalf, speaking in many States.

In this campaign, as in that which preceded it, the Independents turned the tide. There were enough of us who returned to the support of the Republican candidate to secure his election. But Harrison's administration was by no means as good as his promises.<sup>1</sup>

He greatly disappointed those Independents who were inter-

<sup>1</sup> For particulars see "Fighting the Spoilsmen," Putnam's, 1919, pp. 46-72.

ested in Civil Service Reform but who were no friends of the high tariff policy of the Republican Party.

Hence it was that in 1892 when the same candidates, Cleveland and Harrison, were nominated, most of the Independents now preferred Cleveland. He was elected by a large majority. For myself, I was so profoundly dissatisfied with Mr. Harrison's shortcomings in the matter of Civil Service Reform that I criticised his record with considerable asperity in an address before the Boston Reform Club and afterwards in various speeches during the campaign.<sup>2</sup>

Mr. Cleveland's second administration, in spite of some shortcomings at the outset, was far more creditable than the first. He made extensive additions to the classified Civil Service; he was unflinching in the maintenance of law and order when confronted with the disorders and riots in Chicago; he upheld the credit of the country by his unswerving support of the gold standard. But he had estranged himself from his own party, which sympathised with some of the elements of disorder and was in favour of a silver standard and the repudiation of public and private obligations which that involved. Mr. William Jennings Bryan, who had come into general prominence by his "Cross of Gold" speech at the Chicago Convention of 1896, became the candidate of that party upon a free silver and low tariff platform, against William McKinley, the Republican candidate, who made his campaign upon a high tariff and gold standard platform.

Moreover, the Democratic Party demanded "rotation in office" and a practical return to the spoils system. Although I was not a high tariff man, the peril to the country involved in a debased currency and a return to political spoils led me to take an eager and active part in the campaign, speaking in all parts of the country on behalf of the Republican candidate. The sentiment for free silver, which at the outset was overwhelming, was gradually undermined by public discussion, and McKinley was chosen President. He was a man of great political tact, yielding at times his own convictions to what he believed to be the demands of the public. He also conceded too much to the spoils hunters. He endeavoured at first to keep us out of the war with Spain,

<sup>2</sup> See "Fighting the Spoilsmen," Putnam's, 1919, pp. 286-294.

but when it was forced upon him he assumed the leadership in the struggle and directed its course, as well as the peace proceedings at its close, with ability and wisdom.

It was during his administration, and as a consequence of the war, that there arose a new political issue known as anti-imperialism, which played a leading part in the Presidential campaign of the year nineteen hundred. The circumstances giving rise to that issue were the following.

#### ANTI-IMPERIALISM

During McKinley's administration, and as one of the consequences of the war with Spain, the American forces had taken possession of Manila, and the question arose, What was to be done with the Philippines? Admiral Dewey could hardly have sailed away and left Manila in control of the Spaniards with whom we were at war; he therefore blockaded the city. The Government could not leave him there alone, so an army was sent to his support, and the presence of our army and navy there contributed as much as any other fact to the speedy termination of the war. Our manifest duty was to protect the inhabitants, including the foreign residents, so the President took the responsibility of keeping order until it should be finally determined what sort of government was to be established. In all this, it seemed to me, the President was right.

It was at this point that the members of the "Anti-Imperialist League" and others began an agitation opposing the occupation of the Islands. A national conference of men interested in public affairs was called to meet at Saratoga on August 19th and 20th to consider the proper policy of the country in regard to the Philippines. Carl Schurz and Moorfield Storey were the principal speakers for the Anti-Imperialists. Mr. Schurz spoke in the afternoon, I replied in the evening. The audience was not a large one, but was generally sympathetic with the President's policy. On the following morning Moorfield Storey made an earnest plea, urging that America abstain from all interference with the Philippines, and the audience called upon me to reply, which I did amid considerable enthusiasm. A committee of some twenty

persons was appointed to draft resolutions. They were all but unanimous in support of the President's policy.

Still the agitation continued. Letters, tracts and telegrams were sent in great quantities to American soldiers in the Philippines to discourage re-enlistments and the further prosecution of the war, and at a mass meeting at Central Music Hall, Chicago, there was an outburst of oratory by professors and others which was distinctly disloyal in a time of war. Another meeting was called a week later at the Auditorium as a protest against this propaganda, and I was called upon with others to address it. The great hall was filled with an intensely enthusiastic audience. There was much bitterness expressed against the sowers of discord, but I confined my remarks mainly to a recital of the historic series of events, showing that the President had taken the only course consistent with justice and reason.

#### THE CAMPAIGN OF 1900

As the campaign of 1900 approached it became evident that the Democratic Party with Mr. Bryan as its leader was about to espouse the cause of the Anti-Imperialists. President McKinley, who had brought the war to its successful conclusion, who had settled the terms of peace and determined the policy to be adopted, was necessarily the Republican candidate, and Theodore Roosevelt was nominated for vice-president. The Democratic Party reaffirmed its free silver doctrines of 1896. The main contention was that the Republican administration had been untrue to the principles of the Declaration of Independence in not immediately allowing the Filipinos to govern themselves in their own way.

I was invited by the Republican managers in Indiana to make the opening speech of the campaign at English's Opera House in Indianapolis, in answer to an address by Mr. Bryan, who had accepted the nomination in that city a short time before. I spoke to a crowded house, and the address, discussing the meaning of the Declaration as applied to self-government in the Philippines, was afterwards used as a text by speakers elsewhere. I now entered upon the general campaign with zeal, speaking in many parts of the country, from Maine to the Mississippi. I insisted

lunch together at the "Losekam," a restaurant on F Street, and the two Commissioners sometimes came to see me at my rooms on Fifteenth Street.

One Sunday we happened to spend the afternoon there in social conversation, but the fact that we were together came to the notice of the correspondent of the *New York World*, who had his rooms on the floor above. That was quite enough, and he sent to his paper a thrilling account of the two Commissioners appointed by President Harrison devoting their Sunday afternoon to a conspiracy with a Civil Service reformer from the outside, against the administration under which they were serving!

I used to dine with Mr. Roosevelt quite frequently in the little house on a side street near Connecticut Avenue, where he and Mrs. Roosevelt were bringing up their family. He was the most hospitable of men and one met interesting guests at his table, Speaker Reed, Henry Cabot Lodge, and others.

Reed was one of the most genial souls that ever enlivened a company. He talked with dry sarcasm about "the merit system," a phrase which he pronounced with peculiar unction, but we always had a friend in him when we wanted something done.

Lodge was also a supporter of the competitive system and anxious to extend it whenever practicable, but he was criticised and bitterly attacked by many of the Mugwumps, especially in Massachusetts, because he still distributed the unclassified places as patronage. He said very frankly that he would do all he could to remove them from the spoils system, but that while they were there he proposed to make the best use of them he could. Whenever we wanted to accomplish anything, Lodge was always able to get more done and in a shorter time than any other man in Congress.

Sometimes Mr. Roosevelt and I would row together up the Potomac to the Chain Bridge, and I remember one of these occasions when he was speaking of the difficulty which people in various ranks of life and in various parts of the great country had in understanding each other. "The man in the New York smart set," he said, "finds it hard to realise that a planter in some remote section of the South may be quite as perfect a gentleman as he is himself, and the Southerner, on the other hand, finds it

hard to understand how a man born and reared in the lap of luxury in New York may have just as much personal courage as he has. In the same way the man in New England and the man in the Far West cannot appreciate each other's good qualities. I am glad I have had opportunities of seeing all sorts of people in all parts of the country, and in spite of the fact that I was brought up in the East, the kind of life I enjoy most is that out on the ranch, where the cook sits at the table with me." This feeling found its expression afterwards when he organised the Rough Riders.

He knew more kinds of men than any other person in America, and when he became President this served him in good stead. He was able to pick the particular man he needed for special work better than any Chief Executive we have ever had.

It was while Mr. Roosevelt was Civil Service Commissioner that Frank Hatton, editor of the *Washington Post*, published a number of charges against him and the other Commissioners, and these were investigated by a Congressional committee. I attended some of the hearings. The charges were false, and Roosevelt came out with flying colours, although John Wanamaker, then Postmaster-General, had appeared as a witness against him. One night I was dining at the Roosevelts' when a subordinate of Wanamaker came to see him on business. He stepped to the front door to talk with this man a moment, and the last words I heard him say before he came back to the table were, "You may tell the Postmaster-General from me that I don't like him for two reasons. In the first place, he has a very sloppy mind, and, in the next place, he doesn't speak the truth."

After Mr. Roosevelt's six years on the Civil Service Commission, I saw but little of him, until, on his return from Cuba, he became a candidate for the Governorship of New York. There was one curious feature of this campaign. Some of the New York Independents who had organised a Citizens' League wanted Mr. Roosevelt to become a candidate under their auspices. He was not willing to promise to do this, and afterwards, when he became the nominee of the regular Republican organisation, they violently opposed him and nominated a candidate of their own, who, however, received only a few hundred votes. Among the



leaders of this movement was Mr. John Jay Chapman. *City and State*, an independent newspaper in Philadelphia edited by Herbert Welsh, with whom I had been associated in the National Civil Service Reform League, criticised Roosevelt with some bitterness. I was disgusted at the action of this small coterie, and on November 23d, 1898, I wrote the following letter:

MY DEAR MR. ROOSEVELT:

I have just been East and have expressed to a number of so-called reformers, who worked against your election a few of my ideas in regard to the character of their opposition. I saw J. J. Chapman and congratulated him upon the organisation of his small and select party and admired the logic of the men who, by nominating you, expressed their conviction that you were the best man for the place, and then did all they could to beat you because you would not wear their collar. I had a very earnest talk with Herbert Welsh, told him I thought the course of *City and State* toward you was injurious to reform, that its criticisms of you were trifling, and that such folly made men love Croker. Welsh told me that one reason the paper took the attitude it did toward you was on account of the fact that you had agreed not to decline the nomination of the Citizens' League (or whatever they call it) and then had finally declined it, and that Colonel Waring had written to you after your declination saying that he had always considered you a man of honour. I asked Welsh whether he had heard your side of that story, and he admitted that he had not, but showed me some copies of letters which were said to have been written to you during the early part of the negotiations. I would not mention this matter at all but for the fact that it comes from a man who is so earnest and sincere in all that he does that I thought you ought to know about it, and I am sure he would not object to my asking you how the matter really stands. My only wonder is that he did not do it himself. His approving quotation from Parkhurst in last week's *City and State*, saying that the New York election was Platt's victory more than yours fills me with great disgust.

To this Mr. Roosevelt replied:

MY DEAR FOULKE:

Your letter really pleased me. The attitude of you and Swift and Bonaparte and some others gave me real satisfaction. The attitude of the bulk of our associates did not much surprise me, but it gave an illustration of why it is that they so rarely accomplish good results and filled me with gratitude for having myself kept within party lines.

Now you are very welcome to show this letter to Welsh, whose hon-

esty and sincerity I entirely appreciate, though what you tell me of his attitude, of which I was ignorant, shows that he is suffering from prolonged and excessive indulgence in the *Evening Post*, which is fatal to any man's usefulness. . . .

I explained to them (the Citizens' League) with the greatest possible minuteness that I would refuse their nomination if they asked for an answer, and that all I would do was to reserve the right of accepting or rejecting it. They then issued an address, of which I did not get a copy, and I was informed that it contained (by implication, at least) the statement that I would accept. I expressed my dissatisfaction with this, whereupon one of their number showed me a copy of the address, and another wrote me a letter enclosing a copy. It was marked at a point running, "We do not know whether he will be a candidate or not." This was entirely satisfactory, and I at once said so and wrote back, "The address is all right," of course referring to the fact that the address pledged me to nothing. They actually tried to insist later that I thereby pledged myself to the principles of the address, which contained a violent assault on the Republican Party, an assault to which neither they nor I ever dreamt for a moment that I would subscribe. . . .

It was a satisfactory thing to beat at the same time, Blifil and Black George, and I was delighted to overthrow Croker and Carl Schurz, Dr. Parkhurst and Chief Devery, Godkin, Ottendorfer, Pulitzer and Hearst: the most corrupt politicians within the Republican ranks, the silly "Goo-Goos" and the extraordinarily powerful machine of Tammany Hall. The great corporations also raised a gigantic corruption fund on behalf of my opponents.

Faithfully yours,

THEODORE ROOSEVELT.

During McKinley's administration I conferred with Mr. Roosevelt a number of times in regard to the President's violations of the Civil Service laws. He recommended McKinley to appoint me Civil Service Commissioner, and one of the first things he did in his own administration was to offer me a place on the Commission. He had discussed it with others even before he left Buffalo, and it was not many days afterwards that I received a telegram from him urging my acceptance.

#### RIDES AND WALKS WITH THE PRESIDENT

While I was Commissioner in Washington I saw a great deal of him both at the White House and in various walks and rides

around the city. Sometimes our horseback excursions were exceedingly strenuous. Once I was riding with Mr. John R. Procter, the president of the Civil Service Commission, in Rock Creek Park, and we had just reached the top of a bluff after making a long circuit on the carriage road. We looked over and saw three men on horseback scrambling up the side of this bluff, which was there very steep. "Who are those madcaps?" exclaimed Procter, and a moment later, "Good Lord! it's the President!" He was accompanied by General Young and followed by an orderly. In a few moments they reached the top, but there was a high fence and they could not get over. So they galloped down again through the bushes into the ravine. Then I cried out that there was a break in the fence further on, and up they came once more. When they reached the road the President called to us, "Come along," and we did. He galloped down the steep bank, then through gullies and thickets, and up the bed of a stream, everywhere at full speed, then across a green field and over a fence. Luckily there was an open gate close to the place where he leaped. I looked to see what General Young would do. He took the gate, and Procter and I followed.

After I returned home I related the incident to Miller, my coachman. Miller always took a fatherly interest in my welfare, and he asked, "But, Mr. Foulke, why didn't you leap the fence after the President?" I told him I did not know that Balder could jump. "But he can," said Miller, "I have taught him. If I may go with you some time I will show you." So we went next day to a wood where there was a huge log as high as a fence and sure enough the horse leaped it without difficulty, first with Miller on his back and then with me, whereupon my coachman exclaimed with great satisfaction, "Now you can ride anywhere with the President!"

There was another occasion on which I had the opportunity to observe the muscular strength of the President and his readiness in an emergency. I was riding with a Southern lady, an excellent horsewoman, through the wooded paths of Rock Creek Park, and she was congratulating herself that there was nothing to mar the enjoyment of the ride. Blackamoor trotted well, the saddle

did not turn, her hat was in no danger of falling off, and even the hairpins kept their places. We were just passing a tree as she said this, and I reached out my hand to touch wood, but could not do it. This must have been the portent which foreshadowed what was to come. A little further on she remarked that she would like to see the President when he was not on parade, and that the only plan she could think of was to find out when I was riding with him, and then come up behind us, have her horse run away and be rescued by him. About half an hour after this we decided to take what seemed to be a new bridle road cut into the bluff on the far side of Rock Creek. It was in fact only a foot-path, but a solid bridge had just been constructed, and the way looked broad, well-made, and very inviting. But when we rode up to a place about twenty-five or thirty feet above the river, where the bluff was nearly perpendicular, we found that the path, which had become narrower and narrower, was at last only a few inches wide, until upon turning a sharp corner we came suddenly upon a spot where two logs spanned a small chasm. My companion was riding ahead, but she could neither turn nor dismount, so she urged her horse across the logs. The animal, however, after starting, refused to go further, became frightened, and fell over backward down to the creek, at least twenty-five feet, landing on his side, partly on top of my companion. She cried out to me that she was not hurt; but a moment later, while I was rushing down to her, she asked me to get the horse off her leg. Before I reached her he had started away into the stream. She at first tried to scramble up the bank, but could not, and said she must rest a while and that I should go after the horse. I plunged into the river in pursuit, but could not catch him for some time. At last I secured and tied him and then waded back across the creek to my companion, who had by this time scrambled on her hands and knees up to the path. Two policemen were now seen approaching; one of them, an old fellow, made a cheerful beginning by telling us that we ought to have had better sense than to take that path. He helped us, however, by slowly backing the horse I had been riding down the narrow path, while the

other policeman went for my companion's horse across the stream. Soon we had a "round up" with Gifford Pinchot, General Crozier, and a lot of policemen, at Pierce's Mill, not far away.

We were discussing how to get back home, as my companion was badly bruised, when suddenly the President, at the head of some other horsemen, dashed up to the party and asked what was the matter. I introduced the lady and told him what had happened. He leaped to the ground and at once took command. He asked her if she could ride home. She said she could if once on the horse, but that she could not mount. He then took her by the waist and lifted her by main force, almost at arm's length, up to the saddle, helped her pull off one of her boots, which was hurting her, jumped on his own horse and rode away. We returned to the city without difficulty and although she had received a good many bruises and a slight cut in the back of her head, she entertained guests at dinner the same evening.

With that extraordinary accuracy which characterises modern journalism, there appeared in a Washington paper next morning the following account of the incident, entitled: "President to the Rescue. Goes to Aid of a Lady Thrown While Riding":

President Roosevelt was riding in Rock Creek Park late yesterday afternoon when he witnessed an accident to a lady and gallantly went to her assistance. She had been thrown from her horse and lay for a moment unconscious in the roadway until the President dashed up and dismounted and went to her aid.

The President was accompanied only by his orderly. He was just rounding a turn in the Rock Creek drive when the lady coming from the opposite direction was thrown. Her horse, stepping into a slight hole, stumbled, and despite her riding skill she was unseated and thrown heavily over the animal's head. The President leaped from his mount without even reining in, and was at her side before either his orderly or her escort could turn and reach the spot. President Roosevelt assisted her to her feet while his orderly went in pursuit of her horse.

We were lunching together one day, five of us, at the White House. Two of the party, we were told, were going to take a walk with the President that afternoon. He asked the rest of us the question: "Are you fond of walking? Wouldn't you like

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to join us?" We answered that we should be glad to go. Two carriages were ordered to take us to the starting-place. The first vague indication that there was trouble ahead came when the President stood by the door as we passed out of the dining-room, observed our apparel, and directed one of us, who was very well dressed, to go home and change his clothes. The carriages came, and we drove to the Chain Bridge, three miles above Georgetown, on the Potomac. There we crossed over to the Virginia side. Two of the party had brought canes. The President noticed it. "You had better leave your canes in the carriage," he said, "you may not be able to keep them with you." This sounded ominous.

About a quarter of a mile below us, at the side of the river, there was a big stone quarry, and just as we were starting from the bridge there was a furious explosion, and rocks were seen flying like hailstones, some of them clear across the river, others splashing into the stream. The President's face was lit with glee. "Aha!" he exclaimed. "We are going right there." Somehow his joy was not contagious. Nobody answered. Soon we reached the quarry. Just beyond it there was what seemed to be an impassable barrier of rock overhanging the river, but before we came to this the President pointed out a place at the side, nearly perpendicular, about three or four hundred feet high, where it was possible, by scrambling over stones and bushes, to get up to the woods at the top of the bluff. He said, "If you can't pass the rocks, you can go up there," as if that were a great relief! When we came to the point of rocks it was evident enough why the canes had to be left behind. The President started ahead, followed by his son Theodore; he scrambled up a steep, smooth rock to a shoulder about fifty feet above the river, and then along a crack in a perpendicular cliff, holding on by another crack about seven or eight feet above the first one, and at last getting down—I don't know how. I quickly saw the thing was impossible for me. I had been up Popocatepetl and Toluca and other Mexican volcanoes, and had done a good deal of scrambling among the Alps, but this was too much. A negro close by pointed out a boat, and after much yelling the boat came and two of us ignominiously took passage and were rowed around, while young

Roosevelt and two others succeeded in following the President. Then it was a furious tramp, up and down, round another ledge not quite so impossible, where we crawled on our hands and stomachs, on and on, until all of us, except one thin Scotchman, were as red as boiled lobsters and as wet as if we had been in a Russian bath. After a while I gave out and had to stop and rest, and one of the party thanked me as we came home in the cars from Georgetown, because he said he could not have stood it five minutes longer. I believed that was true, for his face looked like raw beef. The man who had changed his clothes didn't change them quite enough, for he still had on a pair of new trousers, which were now covered with a fine plaster of mud nearly to the knees.

All this time the President was enjoying himself like a school-boy. He climbed another steep place, almost inaccessible, after wild flowers for Mrs. Roosevelt. The birds, the flowers, the still, shady places in the woods, the cascades that tumbled down the bluff, gave him the keenest delight. The rest of us would have enjoyed these things too if we had not been fagged out. One of us said to him, remembering the words of Dooley, "Do ye call this a waalk, Mr. Prisident? Sure I thought it was capital punishment." After it was over and we had crossed the river to Georgetown, he told us to take the street-car back to Washington while he walked home with his son.

When I reached the door of my little house on New Hampshire Avenue, the servants were filled with consternation at my appearance. The cook showed the keenest sympathy; Miller, the coachman, charitably offered to rub me down. I declined the proffered assistance, however, and after a bath thought I would take a short nap before dinner. I did so and awoke next morning at half-past five!

The President had been a Matterhorn climber and a member of the Alpine Club, but it requires genius to find Matterhorn climbing within five miles of Washington.

I was once riding with him when he gave a humorous account of the Battle of Las Guasimas, his first engagement in Cuba. He said: "My regiment was marching through thick woods. We could see nothing and did not know who were on the right or on

the left. We heard firing and marched that way. At last we saw a house and we fired at that, mainly because it was not a tree. We learned afterwards that we had killed quite a number of Spaniards. Finally some of the officers came together and one of them congratulated me upon the victory. I didn't know there had been a victory, and I was very glad to hear it."

Once I met the President riding on one of the country roads with Mrs. Roosevelt and Secretary Root. Some distance behind was an orderly, and still further back was an ill-dressed fat man on a bicycle, puffing and blowing at a great rate to keep up. I did not feel quite sure whether the fat man belonged to the Secret Service or to the anarchists or was attending very hard to some business of his own, but about half an hour afterwards in Rock Creek Park I met the President returning, followed by the same orderly, and some distance behind was the fat man on the bicycle. Then the riders went up a long hill at a good pace. The fat man had fearful work keeping up and looked as if he would have apoplexy. At the top of the hill the streets forked; the President and his party took one way, followed by the orderly, and the fat man on the bicycle took the other. "Well," I thought, "perhaps I am mistaken about the Secret Service, or perhaps the man thinks his duty is finished." I followed the President at some distance when suddenly, tearing in from a side street at a furious rate, came the fat man on the bicycle. He had taken all that extra trouble to keep up the mystery and to show that he was not following the President. I told the President about this afterwards. He showed considerable interest and some annoyance and said he had not the slightest idea that any one was following him, adding: "I'll stop this right away." I saw at once I had made a mistake in telling him anything about it.

A few days afterwards Mr. Cortelyou, his secretary, said to me, "I am having an awful time with the President about these Secret Service men. I order them on, and he orders them off, and I order them on again, and then there is trouble. I will obey him in anything but this."



## OTHER PERSONAL INCIDENTS

The President was always full of the exhilaration of unbounded vitality. One day he said, "Foulke, this is pretty hard work being President, but I am having a good time of it." The attacks upon him sometimes aroused his ire, but did not in the least disturb his cheerfulness.

One day he said to me, "I am having a great deal of trouble with the agnostics." Procter, who was present, said, "What trouble are they giving you?" And he replied, "Oh, *they* are not giving me any trouble, it is the other fellows. I receive violent protests from clergymen, asking whether I intend 'to insult this Christian community' by the appointment of people having such views. Down at El Paso, for instance, I appointed a man who had killed three men. Nobody objected to him on that ground, but when they found that he didn't believe what he ought to, then I had trouble. In El Paso the people are homicidal but orthodox."

I had been present when the particular man referred to was appointed, and I well remember the incident. "How many men have you killed?" asked the President.

"Three," said the applicant.

"How did you come to do it?" said the President.

"In the discharge of my duty as a public officer."

The President seemed pleased. "Have you ever played poker?" asked the President.

"Yes," said the man.

"Are you going to do it when you are in office?" said the President.

"No," said the man.

"All right, I am going to appoint you, but see to it that you observe the Civil Service law. I had to dismiss your predecessor because he violated it, and I'll do the same to you if you don't keep it. Here is one of the Civil Service Commissioners; go down and see him and he will tell you what you ought to do."

The man departed, filled with joy, and came to the Commission an hour afterwards to receive instructions.

It is hard for one who has not had pretty close relations with

the White House to understand the constant stream, not only of solicitations for personal favour, but of testimonials of regard, presents of various kinds, canes, specimens, articles of personal adornment and household use, appropriate and inappropriate, usually the latter, which pour in upon the Chief Executive. He must always be gracious, however ill-timed the gift. Authors send their books and politicians their speeches.

One such politician entrusted to my hands an autographed copy of an address which he asked me to deliver personally to the President. Mr. Roosevelt was at that time an exile from the White House, which was undergoing repairs, and lived in a private dwelling on the west side of La Fayette Square in rather crowded quarters. We had just been dining together, there was only one other guest, and as we were withdrawing through the hall I presented the precious token. He received it and said, "I'll get Loeb to acknowledge it to-morrow," and then, setting his teeth together grimly and firmly, he added, "I'll make *him* read it too."

One day at lunch a number of us were talking of a certain public man, and some one remarked that to him this man was extremely antipathetic. Upon which the President said, "That reminds me of King Bomba of Naples. The king was riding across the Campagna with one of his courtiers, when suddenly a Roman bull made his appearance. The king leaped from his horse and with great speed climbed a tree. His companion kept his place in the saddle, and the animal approached, but paid no attention to the horses or the remaining rider and passed on. After he had gone a safe distance the king descended and remounted, with the remark, '*Quest' animale mi è molto antipatico. Se fosse leone!*'" (This animal is very antipathetic to me. If it had been a lion!)

No one whom Mr. Roosevelt knew to be a steadfast friend had cause to shrink from telling him disagreeable things. I used to tell him many things of this sort, and he always took it in good part, as he did when I occasionally criticised what I thought were his mistakes. I once told him he had put too many men in the Ananias Club, that "the little ugly word" ought to be reserved for supreme occasions and that it lost much of its force when applied too often. He answered, "I believe that's true. I'll have

to keep the membership down.' But he did not do it. When some one told a 'whopper,' and he knew it, he couldn't help putting that man in.

Another time I had better luck with my advice, though in this case the criticism did not concern himself. One of his Cabinet officers had been making a speech which seemed to me foolish and likely to lead to embarrassment if repeated and kept before the public. When I called the President's attention to this, he replied, "You're quite right. I'll write to him at once," and immediately he dictated to his stenographer, "My dear ———: I have just read your speech at ———. It was a mistake, and I hope in your next speech you will correct it."

"But," I interposed, "won't that give prominence to it? Wouldn't it be better to ask him not to repeat it?"

"You're right again," he said, and then, to the stenographer, "Strike out the last sentence, and say 'I hope you'll not refer to that subject hereafter,'" and thus the letter went. Mr. Roosevelt was willing to change his course in an instant if a suggestion was made to him which appealed to his own judgment. But it must be *his* judgment and not that of his adviser which decided.

And his judgment rarely erred, unless it were in cases where his means of knowledge could not be as complete as that of others. If there were any classes of appointments in which he fell a little short of his very high average I should say they were those in which a thorough knowledge of some technical profession, like that of the law, was necessary for the best selection. I remember once the question of appointing a judge was before him, and the choice lay between two men. He inclined to favour one of these, whereupon the three lawyer members of his Cabinet, Secretaries Root and Taft and Attorney-General Knox, sent him a "round robin" (after his own example in Cuba) remonstrating against this and urging the other man. I told him I thought the opinion of three such lawyers was likely to be more correct than his own as to the qualifications of an applicant for a judicial position.

Near the end of his second term, Congressmen, feeling themselves safe because his power was nearing its close, began to be more bold and bitter in their attacks. In answer to a message

which had criticised certain acts of Congress, a resolution was introduced denouncing him for accusing the representatives of the people of corruption. The day this occurred I happened to be at the White House and observed that the demand of Dogberry to be written down an ass, seemed to me pale and colourless by the side of the insistence of Congress that it was accused of corruption from words which did not of themselves involve any such construction. He laughed heartily, and it appeared in the newspapers next day that I had accused Congress of being worse than Dogberry, which greatly shocked some of the staid Washington people who were imbued with reverence for authority. But I never heard that the President was annoyed at it.

The Sunday evenings spent at the White House with the President and Mrs. Roosevelt were always especially enjoyable. Procter was often there and Gifford Pinchot and sometimes Secretary Hay. This was almost the only time when the President was sufficiently alone to give any opportunity for private conversation with him. Mrs. Foulke or one of my daughters generally accompanied me.

I recall one Sunday in October, 1903, after I had ceased to be Commissioner, when I spent the evening there with my eldest daughter. There were no other guests. The President was talking of the failure of the Panama Canal Treaty in the Congress at Bogotá. He said the refusal to ratify the treaty was a mere effort to blackmail the French stockholders with the threat to confiscate their interests when the term of their concession should expire. He insisted that nobody in that Congress could see how it was possible for any one to be actuated in this matter by other than venal motives; that the men who opposed the treaty believed that all its supporters must have been bought, so that finally these supporters had to come around to the other side on account of the suspicion against them. He said the action of such a body as this could not stand in the way of a great international necessity like the Panama Canal; that he should state in a message he was preparing that he would construe "reasonable time," on a question of this importance agitated for hundreds of years, as the time which was necessary for deciding fully which was the better route: that of Nicaragua or that of Panama; and

if that proved to be the Panama route, he would say in decorous language that the Columbian Congress should not so stand in the way. Then if the French Company had any gumption at all (which he doubted) there would soon be an insurrection in Panama. He was, he said, like the doctor who burned every wound or sore given him to heal, because he was "hell on burns." So he (the President) was Hades on insurrections and could prevent anybody from interfering.

I laughingly told him that for Machiavellian diplomacy he was as bad as a Russian; that people would be calling Panama our Bulgaria. He said "No," that if he were like the Russians and without any conscience he would be stirring up an insurrection himself, but that he had not done so and would not do so. I asked him if he didn't feel that he was becoming the advocate of secession. He smiled and said "No, only of the right of resistance to grinding oppression," and he added that he was the friend of liberty.<sup>2</sup>

<sup>2</sup> This was not mere pleasantry, for Panama, once independent, had been most unfortunately annexed to Colombia, from which its interests were utterly distinct. "The Isthmus was looked upon as a financial cow to be milked for the benefit of the country at large." The revenues of the Panama Railroad had gone mostly into the pockets of the statesmen of Bogotá, who now saw in the canal project a prospect of great additional profit.

Colombia was at this time under a dictatorship. In 1898 San Clamente was elected president and Marroquin vice-president. On July 21st, 1900, Marroquin executed a *coup d'état* by seizing San Clamente and imprisoning him a few miles out of Bogotá. Marroquin thereupon declared himself possessed of executive power, because of the "absence of the President," and issuing a decree that "public order was disturbed," he also assumed legislative power. He thus ruled as a dictator. The Constitution of 1886 had already taken from Panama the power of self-government and invested it in Colombia, and the usurpation of Marroquin took away from Colombia the power of government and invested it in himself. He directed Mr. Herran, the Colombian chargé d'affaires, to negotiate with Mr. Hay the Hay-Herran treaty, giving Colombia ten million dollars and an annual bonus of two hundred and fifty thousand dollars after nine years. But now, having this much and thinking he had the matter in his own hands, he determined to get more and to break the treaty he had just made by summoning a Congress. There had been

He then began to speak of Manchuria. He did not believe the Russians intended to evacuate it, but did not see what he could do in the matter. He did not think the American people were prepared to use force to drive the Russians out. Even England would not join in this effort, though Japan would. He thought it would be a large job, and that while we were about it, we might find a nice German colony comfortably established in Brazil. In reply to the question whether it would be possible for several of the great powers to guarantee the independence of China, he said that England and Japan might join in this, but France, Russia and even Germany would all oppose it. "The German Emperor," he added, "is a curious man. He sent 'Specky' (Speck von Sternberg) to talk confidentially with me, and wanted me to guarantee the Yangtze Valley from foreign interference. I said I should

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no Congress convened for four years. This body was composed of his puppets, who determined to extort more money, and who demanded of the Panama Canal Company ten millions additional for allowing it to sell its rights to the United States. When the Canal Company refused, the Canal Committee of the Colombian Senate proposed, on October 14, 1903, that the matter should be postponed for a year, because by that time the term would expire within which the French Company was to build the canal, and the Colombian Congress could declare forfeited its property and rights and secure the forty millions our Government had agreed to pay to that company.

Of course the people of Panama felt outraged at such a disregard of their interests. They had long been misgoverned and neglected. As one of them described it, 'Notwithstanding all that Colombia has drained us of in the way of revenues, she did not bridge for us a single river, nor make a single roadway, nor erect a single college, where our children could be educated, nor do anything at all to advance our industries.'

So great was their resentment at Colombia that there had been fifty-three revolutions and other disturbances in as many years; four of these had occurred within two years of the events we are describing (between October, 1899, and September, 1901). Now at last, at the instigation of Bunau Varilla, who had been connected with the old Canal Company, they organised the final revolution by which their independence was secured.

Even had the world-wide necessity of an inter-oceanic canal not been at stake, the President would have been justified in recognising the independence of Panama, which was demanded with practical

like to guarantee all China from foreign interference, but he didn't want that. The idea was to let Russia and Germany have a free hand, and then keep England from doing anything."

The President also spoke of Count Cassini, the Russian Ambassador, as a representative of Russian diplomatic methods. Cassini had made certain definite statements to Mr. Hay as to some Manchurian matter; a few days afterwards he had made statements to the Associated Press quite contradictory to what he told Hay, and afterwards, in Paris, he made a third statement denying that he had made either of the other two. Comparing them, it necessarily appeared that at least two out of the three statements must have been untrue, but in point of fact all three were untrue; yet Cassini did not seem to have the slightest conception that he had done anything improper.

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unanimity by all its people. As Charles J. Bonaparte well said in a letter to the *Springfield Republican*, published on August 30, 1904:

"I think he did right because I think that Louis XVI did right in recognising the independence of the revolted American colonies; that England, France, and Russia did right in recognising the independence of Greece and liberating its territory from Turks and Egyptians; that England and France did right in recognising the independence of Belgium and compelling its evacuation by the Dutch. I think he did right in securing for the people of Panama a government of their choice, and with it peace and good order and the hope of vast improvement in their moral, educational, sanitary, and commercial conditions in the near future, in the place of a government detested by all classes of the population, illegal in its origin, maintained by force, corrupt, oppressive and wholly neglectful of its duties."

If the President had not intervened as he did, not only would the work on the Canal have been indefinitely postponed, but the people of the Isthmus would have been relegated to a civil war with the accompaniments of massacre, pillage, and every form of barbarity. The other leading nations of the world followed us in recognising the independence of Panama; a subsequent treaty with that republic was confirmed by an overwhelming vote in the Senate, and the President, who accomplished this work of general beneficence to the whole world, was soon afterwards elected by our people by the greatest majority ever cast, up to that time, for a Chief Executive. There can be no doubt as to the ratification of his act by the country, and even his critics have not proposed a restoration to Colombia of the Canal Zone.

## ROOSEVELT CHARACTERISTICS

Theodore Roosevelt had the power of securing the devotion of his followers more completely than any other man of his time. I have felt this very forcibly in my own case. I am generally none too ready to follow the leadership of another. The mere fact that authority is claimed arouses a certain spirit of resistance. But I never had the least particle of that feeling toward Roosevelt. It seemed so natural and inevitable that he should lead in the great things he was undertaking that it was always a delight to follow. He gave you so fully the idea of co-operation in his leadership that the notion of mere subordination disappeared. He was a king by diviner right than that of any reigning monarch in the world—by the right of his supreme ability to command. I quite concur in the estimate of him once expressed to me by Oscar S. Straus, who had been in his Cabinet: that in view of his wide attainments, his prodigious activities, and his power to control those who were around him, he was more nearly a superman than any other character with whom we were acquainted. But it was not merely devotion that I always felt for him; it was an abiding affection. I cared for him more than for any man outside of my own family, and I do not doubt that many thousands of Americans could say the same thing. This was not a question of mere personal charm, though he had that in a pre-eminent degree; it depended even more upon our reliance upon the character that lay beneath his personality, his intense patriotism, and his lofty aims. His friends were not hypnotised, but under their enthusiasms lay a profound conviction of the supreme qualities which Roosevelt undoubtedly possessed.

But if he bound his friends to him by the most indissoluble cords of affection, he aroused his enemies to the highest pitch of rage and hate. I had a masseur who told me that the heart of one of his patients always started violently at the mere mention of Roosevelt's name.

His sympathy and friendship for the common people must have impressed every one who knew him. Most men with strong democratic instincts have no other choice; they themselves belong to



the multitude. But here was a man of aristocratic lineage and antecedents, who was naturally fond of the plain people, who respected them and liked them quite as much as those of his own class. Indeed, the people of the West regarded him, and I think correctly, as more their own than did the people of the East. The policeman, the locomotive engineer, the cowboy, the mountain guide, had often a closer sympathy with him than had the members of the exclusive social circle in which he was born and bred, and this feeling of fellowship had not the least taint of cant or political motive behind it. He was naturally fond of men, of good men, whether they spoke pure English or not; of strong men, even if their hands were hard and grimy.

Some who did not know the President found it hard to realise from the fierce-looking portraits of him and from his stern denunciation of the unworthy that he was constantly bubbling over with kindness as well as with the joy of living. His affection for his family was unbounded. It was a delight, if one went to the White House a little before dinner time, to hear the racket going on above, where he was romping with the children, or the thumping on the stairs, as they came down three or four steps at a time. At the table he was constantly filled with merriment and kept his guests in roars of laughter. He had the keenest possible sense of humour; of the thousand absurdities which took place in his presence not one escaped his penetrating observation. He could enjoy a joke upon himself quite as well as a joke upon any one else, and his friends were not in the least afraid of the most absolute candour in talking to him.

When he talked about himself and his own course, as he often did, it was in the most impersonal way, as if it were quite another man whose conduct was being brought up for review. After his work was over he was fond of play, but I never knew a man who took such joy as he in the work itself; he revelled in it. He not only worked tremendously himself, he made everybody around him work in the same way. It was a remarkable thing to see him going over his daily correspondence, reading the letters of others, correcting his own, and holding a conversation upon some important public question at the same time, keeping up two lines of

thought simultaneously and working rapidly at both of them. He could think like lightning, and many of the sudden decisions which men attributed to rash impulsiveness were due to the fact that in a minute he had weighed considerations which for many men would require an hour. The promptness with which he answered letters was amazing. When I was on the Commission, if we wrote to one of the Departments we were lucky to get an answer within a week; if we wrote to the President we heard from him within twenty-four hours. He once told me that he did not work as many hours a day as Cleveland, but that his work was more intense. He did not sit up late at night going over the details of documents and testimony. He left this to others whom he trusted. He had greater facility perhaps than any man of his time in availing himself of the labour of skilled subordinates. Occasionally, however, he did this detail work himself. Once he promised to read personally the hundreds of pages of evidence in the Sampson-Schley controversy, and he did so, though much of this work was a pure waste of time.

But although the President was a tremendous worker, he bent the bow backward so strongly in relaxation that he never seemed to become exhausted. He took this in every way possible, in intense physical exercise, as we have already seen, in conversation upon outside subjects, and in reading. He used to read some light literature after he went to bed, and it often put him to sleep.

Once when he was hard at work settling the coal strike and was also suffering from an injury received when motoring in Massachusetts, he sent to Herbert Putnam, librarian of the Congressional Library, and asked for some book which could not be of the slightest use in reference to anything then pending. Putnam sent him "The Life of John Sobieski." But no book could be useless to Roosevelt. He began talking about it in his usual vigorous way, drawing a lot of pertinent political morality out of the failures of the Poles in working together in the important crises of their history.

At another time he was greatly absorbed in the study of "The Life of Lincoln" by Nicolay and Hay. John Hay, then Secretary of State, is reported to have said, "I never heard of any one read-

ing my life of Lincoln from beginning to end. I once offered five dollars a volume to the members of my own family if they would read it through, but I couldn't get any readers that way. There is only one man I know of who did it, and he is the busiest man in America, the President of the United States."

Mr. Roosevelt's mind was of a primitive type. All sophistry, casuistry, diplomacy, and unnecessary complexities and refinements were foreign to him. He could "think straight and see clear," and he sought his end by the directest road. He was absolutely sincere and as unselfish as any man could be who played the part he did in the history of the world. Some men used to speak of him as "erratic," "an uncertain quantity." If by erratic it was meant that he was not like anybody else, that was true; he was certainly unique, not only in his brilliant personality, but in the almost childlike open-mindedness, which characterised his dealings with all. But as to being an uncertain quantity, no man in the world was any less uncertain than he. His conduct in any given case, *if you knew all the facts*, could be foretold more surely than that of any other man I ever knew. When you could say what was the right thing to do, *so far as the right was humanly practicable*, you had the answer to the problem. He had to make this great government of ours work, and he made it work as well as it would work at all.

His sense of justice was instinctive and unerring. I think his devotion to the Civil Service system was principally due to the fact that the system encouraged fair play, that under it the farmer's lad and the mechanic's son, who had no one to speak for them, had the same opportunity in competing for the public service as the social or political favourite. This love of fair play was the thing that made him urge Southern Democrats to come up for the examinations, which thus brought them into the classified service. It was this that also gave "to the honest and capable coloured man an even chance with the honest and capable white man"; and that led him to say of the negro question: "We are in a back eddy. I don't know how we are going to get out, or when. The one way I know that does *not* lead out is for us to revert to a condition of semi-slavery. That leads us further in, *because it does not stop there.*" It was this notion of fair

play, as well as his sympathy for the poor who would perish in the great cities of the East from the consequences of the coal strike that led him to interfere; and I can quite believe the story told by Jacob Riis, that, after listening to the accounts of the suffering which would be entailed, as well as to the warnings of politicians who told him that his interference would ruin his career, he set his face grimly and said, "Yes, I will do it. I suppose that ends me, but it is right, and I will do it."

It was also that sentiment of fair play which afterwards led him to take ground against the exorbitant demands of the labour unions when he refused to permit the discharge of Miller, the assistant foreman of the bookbindery, because Miller did not belong to any union. He was absolutely consistent in both positions. This, too, explains his declaration to the representatives of the labouring men who came to dine with him: "Yes, the White House door, while I am here, shall swing open as easily for the labouring man as for the capitalist, *and no easier.*"

It was natural that his simple way of dealing with men and things should be quite misunderstood by politicians, and that some of his Tammany adversaries in New York should call it the "honesty racket" and exclaim, "How well he does it!" It was not half so hard to do as they imagined. And yet in his treatment of political bosses like Platt and Quay, he never refused to confer freely with the men whom the people had chosen as their representatives, or to maintain friendly relations with them; it was only when they sought something which he thought ought not to be done that he stood in their way.

When Roosevelt returned from his African trip a remarkable ovation was given him on his arrival in New York, and he was undoubtedly the most popular man in America, and probably in the world. But when he again undertook the work of reform in favour of open primaries and other needed changes to prevent the unwholesome manipulation of political parties, he began to arouse enmities on all sides, and it was only a few months before every one seemed to be carping at all that he did.

Gossip was particularly venomous in Washington in the winter of 1910 and 1911, and from this place I addressed him the following letter:

Dec. 23d, 1910.

MY DEAR COL. ROOSEVELT:

Mrs. Foulke and I have been spending some three weeks here in Washington. Nearly everybody seems to be snarling and snapping at your heels, including some of your former appointees and those who have been pretty close to you. There are gossips galore. "I have always been very fond of him but"—and here follows an assortment of cock-and-bull stories that "doth allay the good precedence" and would adorn a daily record of Bedlam. Last night at a dinner I had a running fight for two hours with half a dozen of them, and so it goes from day to day. I must say the sudden revulsion of feeling with Dewey and with yourself gives me a worse opinion of American constancy than I like to have. But one can't argue with absolute unreason, and the thing is to wait till the tide starts the other way and catch it then.

In contrast, however, to this unmusical chorus is the word of the Japanese ambassador, Baron Uchida, whose wife was a classmate of my daughter and is Mrs. Foulke's intimate friend. He mentioned his pleasure at meeting you when you came to the Geographical Society and spoke words of earnest, and, I think, sincere, appreciation of your friendship for Japan.

To this he answered:

January 2, 1911.

I was amused and interested in your account of the snarling at me in Washington. As a matter of fact I think it is fairly universal. I was quite prepared for it. After the reception on my return last June I told my sister, Mrs. Robinson, that though I appreciated entirely the purpose of those who arranged the reception, I could not help feeling a little uncomfortable over it because the greeting was slightly hysterical, and there always comes a revulsion after hysteria. To use another simile I then used, I was like Peary at the North Pole, and any way I walked I could not help walking South.

You say it has altered your opinion of the American people. It has not altered mine the least little bit. I always knew that such a revulsion was bound to come, and the fact of its coming does not change the great debt of obligation I am under to the people. After all, no matter what they say now, they for twelve years gave me a position of power and influence such as only four or five other men in the history of the country have had. The present feeling may wear itself out, or it may not. If it does, and I regain any influence and can use it to good purpose, I shall be glad; and if it does not, I shall be exceedingly happy here in my own home, doing my own work, without a regret of any kind, and really on the whole having as thoroughly

enjoyable a time as ever before in my life. But I wish I could see you and talk it all over. Could you and Mrs. Foulke come on to New York and spend a night with us here?

Faithfully yours,

THEODORE ROOSEVELT.

A little later Mr. Roosevelt invited Mr. Lucius B. Swift and myself to visit him at Oyster Bay, where he gave us graphic reminiscences of various notables and crowned heads in Europe. I remember well his estimate of Emperor William: "A very forceful man, but superficial." It is much the same estimate that John Morley gives in his reminiscences on the occasion of the Kaiser's visit to England. The Emperor's attainments came from his extensive intercourse with others and not at all from study. When I was in Berlin in 1890 I became acquainted with Bogdan Krieger, the librarian of the Kaiser's private library in the imperial palace at Berlin. He told me that during all the years he had been there he had never once seen the Emperor in his own library.

Mr. Roosevelt had the highest opinion of the general literary and scientific attainments of the King of Italy, whom he considered the most cultivated monarch he had met.

I have on several occasions received from Mr. Roosevelt friendly criticisms of various books I have written. Among these are the following:

January 4, 1907.

DEAR FOULKE:

. . . I took down with me to Pine Knot, for my four days' Christmas week holiday, your "Life of Morton," and I have been so much interested in it and so much impressed by it that I feel that I must tell you so. What a rugged giant of a man he was! It seems to me that, of course always excepting Lincoln, he stands in the very front of the civilians who did most service during the Civil War. No cabinet minister and no other war governor had a task quite as hard as his, and at least no other war governor had a task as important. I am ashamed to say that until I read your book I had not the full idea I should have had of the man's greatness or of the incalculable service he rendered the country. I suppose that this was because while at Harvard, and for a year or two afterwards, I moved in what might be called Mugwump circles, where the *Nation* and the *Evening Post* were treated as well-nigh final authorities, until I got out into the world of men and myself took part in the rough and tumble of the life where

great deeds are actually done. I very much wish that Rhodes in his last two volumes had not written in the Mugwump strain. I greatly admired his first five volumes, but I think his last two show a lamentable falling off. They give the real Mugwump view and betray the Mugwump utter lack of perspective. One may condemn unstintedly much that was done by Grant and the stalwart Republicans without becoming so blind as to fail to see that it was the Southerners themselves who really forced the Fifteenth Amendment and reconstruction on the North, for instance; and above all without becoming so blind as to fail to see that the Copperheads, ranging from Vallandigham up to Hendricks and Seymour, acted so badly during the Civil War that it is the veriest folly and iniquity to treat any subsequent action of theirs as putting them in the same category with a man like Morton, in spite of Morton's shortcomings after the war.

So it is with Schurz. Rhodes actually calls him an ideal Senator, which is in itself an absurdity; but the praise of him becomes even more absurd when compared with what he says and leaves unsaid of Morton, for the service Morton rendered during the iron times of the Civil War makes Schurz's whole career seem pinchbeck by contrast. But Schurz, like Sumner, came from among the classes that write; and the people who feel superior to others, and who also have the literary habit, are apt to persuade themselves and others that there really is such superiority; whereas in reality these men are really the heroes only of the cloister and the parlour, and dwindle to littleness in the great crises, where men like Morton tower above their fellows.

Also the following on March 29, 1907:

MY DEAR FOULKE: The translation of "Paul the Deacon" has just come, and I have already begun to read it. It is such a pleasure to have friends who do such things as you do! What a delightful old boy the Deacon was; and what an interesting mixture of fact and fable he wrote!

And later, on July 30, 1916:

Both Mrs. Roosevelt and I loved your poems—perhaps most of all those that referred to your dear wife, to whom give our warmest remembrances. I am very proud of the poem about me and am glad that it faces the one about Oliver Morton.

#### OTHER WASHINGTON ASSOCIATIONS

While in Washington I was a member of a number of clubs and societies: the Cosmos, University, and Chevy Chase clubs,

the Geographical Society, Archæological Institute, etc. But there was one of these with which my connection was quite intimate, the Washington Literary Society. It was composed largely of the older residents of Washington, with a smaller admixture of the official and transient population of the city. Alexander Graham Bell, Ainsworth R. Spofford, John W. Foster, Francis E. Leupp, Herbert Putnam, Carroll D. Wright, David J. Hill, and George Kennan were among its members. Kennan read some excellent papers to the club, one on "Napoleonder," the Russian folk myth based on the invasion by Napoleon; another was a remarkable essay on "Suicides." Both of these afterwards appeared in magazine form.

I came to know Kennan quite well. I had met him a number of years before at his Washington home whither I had gone to ask if he had discovered any errors in my monograph "Slav and Saxon," that I might make the necessary corrections in my subsequent editions. His working room at that time was draped like a Kirghiz tent, with divans, arms and curios, and was highly picturesque and extraordinary. I saw a good deal of him afterwards at Baddeck, on Cape Breton Island, where he had a summer home. Kennan was like the Ancient Mariner. While he was speaking one could not choose but hear. Indeed, whenever he talked, either of his Siberian journeys, of his visit to *Mont Pelée* after the eruption, or of his many other thrilling adventures, both the story and the manner of its telling were so absorbing as to exclude entirely all other things.

The Literary Society used to meet at the houses of the various members. My house was much too tiny for this, so when my turn came I entertained the members in one of the ballrooms at the New Willard, where Mr. Spofford, the veteran librarian of Congress, gave us an excellent paper.

Mr. Spofford was a friend whose companionship I greatly prized. He was a very lovable man and had the most phenomenal memory of any one I ever knew. The Congressional Library, the largest in the country, had a very insufficient catalogue, but it "didn't need one"; Spofford knew all that was in it. Any Congressman who wanted information had only to see him. He could tell him of all extant literature on any subject, and this was much



easier than to fumble for hours among the cases of a card catalogue. Although he was then a very old man, he was fond of taking long rides into the country, and among the most delightful hours I spent when Civil Service Commissioner, were those at the side of Mr. Spofford on his slow and easy-gaited horse, wandering not only among the fields of Maryland and Virginia, but also among the fields of literature and history, of which his knowledge was profound and inexhaustible.

Other delightful recollections of my life in Washington were connected with the Round Table Club at the Congressional Library. This was extremely informal; indeed, it was not an organisation at all. Mr. Herbert Putnam, the librarian, invited a certain number of his friends to lunch each day in the large, airy, attractive room on the top floor of the Library. These gentlemen had the right to bring with them their friends as invited guests. Mr. Putnam generally had guests of his own, and many distinguished men from all parts of the world were there. Science, art, politics, diplomacy, literature, were all represented, and the conversation, sometimes general and sometimes among little groups, was both brilliant and instructive. At one of these meetings I was sitting next to Augustus St. Gaudens, the sculptor, and had an interesting talk with him regarding the meaning of his Adams monument in Rock Creek Cemetery. I have always considered this monument as the finest specimen of the sculptor's art since the time of the Greeks. The heavily draped figure and solemn face and the wonderful setting have made it impressive beyond any other work of art I have ever known. I have seen groups of visitors chatting and laughing before they entered the monument enclosure—it is surrounded by a high hedge or thicket—but when they came in and took their places on the marble benches in front of the statue they were instantly awed into silence. There is something inscrutable about the face, and people have given all sorts of meaning to it, a point which the sculptor was by no means anxious to clarify. Mr. Procter told me he once asked St. Gaudens what particular feeling that inscrutable face was intended to represent, and the sculptor answered, "Why, don't you know?" which cut short further enquiries. I made up my mind not to be caught in this way

and yet to find out what I could, so I observed to him that a great work of painting or sculpture which depicted emotion seemed to me like a great work of music; the feeling was there, but could not always be analysed, and I said that was the impression I derived from his statue, and I supposed that was what he intended. He answered me that this was the case. I really did not get any more information than Procter, except that the mystery regarding the meaning of the statue was not intended to be more clearly revealed. In quite a different way this statue calls to my mind the face of Monna Lisa. In both cases the inscrutable adds greatly to the power of the work.

One of the duties imposed upon many of those who hold office in Washington is that of responding to invitations to deliver addresses at various places throughout the country and upon all sorts of occasions. I received many of these, most of which I declined, since they would interfere too seriously with my work upon the Civil Service Commission. There were a few of them that I accepted and among those that stand out most prominently in my memory was a memorial address at Canton, Ohio, which I had been asked to deliver on the anniversary of McKinley's death, and a memorial address at Gettysburg on Decoration Day. At the latter place the historic surroundings, the great multitude of children who came to decorate the graves, and the remembrance that it was here that Lincoln had delivered his immortal words, gave, as it seemed to me, an impressive character to the occasion.

I have already spoken of the paternal care taken of me when in Washington by Miller, the butler, and his wife, Minnie, the cook. They were Irish servants of the very best type. Miller, who was by turns butler and coachman, was very proud of driving the President and Mrs. Roosevelt, as he did on one or two occasions when we went to Georgetown for a row up the Potomac. He took excellent care of the horses and of the dog, Grouse, a setter which he trained in a remarkable manner. The dog would run out in the morning when he saw the postman coming, take the letters in his mouth, bring them up into my bedroom before I rose, and lay them on the bed. Sometimes Miller would send the dog after a particular horse, having left the stable door open and the halter untied on purpose. Grouse would run, seize the strap

of the halter, and lead the horse to the place appointed. He used to do the marketing for Minnie at the grocer's. She would write down the order, put it in a basket, and Grouse would go and return with the provisions. This was indeed the usual method of purchase for a considerable time. But the most remarkable evidence of his intelligence was on one occasion when he came into the kitchen and began pulling at her dress. She knew it meant something and followed him. He went out the door, around the house, and into a vacant lot opposite, where he took her into the middle of the lot and stopped. She looked around and there upon the ground was a purse. This was the highest mark of intelligence I have ever known in a four-footed animal. He could of course have brought the purse to her after he had found it, but that would have given no clue to where it came from. He evidently knew it was a valuable thing which had been lost and that she ought to know where it was.

It was in the spring of 1903 that I was forced, because of ill health, to give up my post as Civil Service Commissioner. I then went to the baths of Nauheim in Germany for treatment for an affection of the heart, which has continued with some intermissions ever since. The following fall I returned to Washington, remained there some months, and then moved back to my home in Indiana.

#### THE MUSKOGEE INVESTIGATION

It was in the later days of President Roosevelt's administration, long after I had left the Civil Service Commission, that I was asked by him and by Mr. Hitchcock, Secretary of the Interior, to go to Muskogee, in what was then the Indian Territory, and investigate an alleged conspiracy which, it was said, had resulted in defrauding the Creek Indians of much of their property in that town.

The facts indicating the fraudulent character of sales made to squatters and speculators were shown by the testimony of many witnesses whom I examined during my stay of some weeks at Muskogee, and were reported with my conclusions to the Inte-

rior Department. But the most interesting part of my experience was not the investigation itself, but the things I observed or learned, while I was there, regarding the place and the community.

The town was a remarkable one. It was at this time only seven or eight years old and embodied a most curious mixture of elegance and crudity. The ladies dressed better than in any town of the size I ever saw—as well as in Washington or New York—they sent to Paris for their gowns; the theatre was far finer than in most cities of the same size. The people went to the play in evening dress, but when you came out into the street afterwards you found the carriages bespattered with mud up to their very tops. They had to toil through the sticky clay hub deep, and in one of the principal streets a mired horse had been pulled out by a rope and tackle. In muddy weather it was as impossible to take a walk in the country as it would have been if the town had been an island. Many of the men wore laced boots that came nearly to the knees to keep the mud off their trousers.

There was a fine, big jail in the place, and it was brim full. Every day or two you heard of somebody being killed. No liquor was allowed in the territory, yet alcoholic smells abounded and you saw men reeling in the streets. If you asked for a glass of beer you were told they had no beer but only "Mistletoe," which looked like it, and if you tried it, it tasted the same and produced the same effect. Everybody was making money hand over fist. -

The country was wonderfully rich. The bottom land sold for a hundred dollars an acre with practically no improvements. Oil, gas, coal and other deposits abounded. A great part of the population followed the occupation of fleecing Indians or whites indiscriminately. A man was called before a Senate committee which was taking testimony while I was in Muskogee. He was asked what his business was, and answered that he was a "grafter." He told the committee that he dealt in titles to Indian lands, paid "any old price" for them and could always get enough by "clouding a title" to come out ahead. He actually

advertised these declarations before the committee in order to promote his own business.

But the Indians, although innocent as children in regard to money or other property, were sly enough in some ways. For instance, I attended a hearing before this Senate committee in which some of the old tribesmen made speeches in the Creek language, urging certain requests upon the Government. Among the orators was a man named Sam Haynes, a member of the "House of Kings" of the Creek Nation. He had a typewritten manuscript before him and became very eloquent in his oration. A long, cadaverous-looking white man sat next to him and translated it into English, he too making gestures and declaiming as if he were a second Cicero, while the solemn senatorial owls upon the other side of the table listened in silence and seemed to be impressed.

A day or two afterwards I met Sam Haynes, spoke of that manuscript and asked him whether it was written in English or Creek. There was a twinkle in his eye as he answered, "It was in English." We had listened to the solemn jugglery of translating it into Creek and back again for the purpose of making a deeper impression upon the Senators.

The white men in the neighbourhood had very convincing ways of imposing their views upon those who were sent by the Government to do work in the territory. One man came to appraise the lots in a town not far away. He estimated them too high, the people thought, so they delegated two men to take him around the corner and "do him up." They nearly killed him on account of his unorthodox views regarding the value of town lots.

Muskogee was a hard place for "investigators." A man had been sent by the Department of Justice to investigate the conduct of a Federal judge. He was a promising young man of good character, but he was driven crazy. Some said they "doped" him, but the better opinion was that the lawyers, the judge, and the newspaper men between them did it quite legitimately, as one may say; that is, by nagging him until he went mad. He had to leave town with a caretaker, became violently insane, and some time afterwards jumped from a two-story window and killed himself. That was one case. Another inspector who went there

became ill, vanished, and soon afterwards died. Another came, fell ill, departed, and the case was not heard from again.

But it must not be thought that the people of Muskogee did things so sanguinary and cruel to all of us. Milder forms of punishment were meted out for minor offenders. To most of us they gave what they called the "horse laugh," or perhaps merely smiled at us and regarded us as harmless cranks, beneath contempt. In other parts of the world if a federal inspector came, hunted up witnesses, and rummaged among documents, he might awaken some awe, or at least be treated with deference. Here there was calm derision. The sentiment was, "Investigate and be d——d." I went to the theatre and was regaled by songs with gags regarding "inspectors whom the Government had paid," which were received with tremendous enthusiasm by the audience, many of whom turned around to laugh at me. One night a young man and his best girl were seated near me. She asked, pointing to me, "Who is that stranger?" And the answer was, "He is one of Hitchcock's private detectives." If you reflected that the name Hitchcock represented all that was loathsome to the hard-working grafters you might realise the depth of infamy to which such an answer consigned me. We were called in the daily press the "overpaid vassals of the Secretary," and there were squibs implying that investigations were as perpetual as earth and sky. I think myself that the intermissions between them were almost as rare as the closing of the gates of Janus.

Men regaled me with the story of a recent one where the investigators reported that charges of intoxication of a late Indian agent and the use of liquor at the agency were unfounded. They said men were stationed at the doors to prevent the witnesses against the agent from entering. While the inspector was conducting his enquiries on the inside, one of these guardians of the portals of knowledge, an Indian policeman, was so drunk that he fell asleep and reeled over, whereupon a whiskey flask fell from his pocket and broke, spilling the contents on the floor. Then one of the clerks, who rejoiced in the appropriate name of Wisdom, saw the catastrophe and threw his overcoat over the place. When the inspector appeared immediately afterwards and asked what caused the peculiar odour he perceived, he was told it was

the oil stove, whereupon he observed that such a stove ought to be removed. The successor to this exonerated agent told me that the first thing he found in the office safe was fifteen empty whiskey bottles.

So the "horse laugh" was very prevalent there when I began my investigation. But I doubt whether the good citizens of Muskogee would have stopped at that if they had known what was to follow. For many suits were begun to set aside the illegal transactions I had unearthed, and although there were great difficulties in the way and no complete restitution was possible, still large sums of money were recovered for the Creek Nation.

In conversation with the judge of the Federal court at Muskogee, I heard a remarkable tribute to the truthfulness of the Indians. He told me that in his experience he had found the negroes extremely untrustworthy. Their testimony had little value. The white men and half-breeds would sometimes tell the truth, and sometimes not, but the full-blooded Indian would never lie, his testimony was absolutely reliable.

This tribute has led me to wonder whether Indians generally are as faithless as they have been painted. Treachery has always been imputed to them by the whites just as perfidy was attributed to the Carthaginians by the Romans and embodied in the epithet "Punic faith." I can not but believe that the great body of the aborigines of America are entitled to a better reputation in the matter of integrity than we have ever given them. And as to ourselves—what can we ever say in defence or palliation of the knavery of many of our own race in their dealings with these wards of the nation?

## CHAPTER VIII

### ROOSEVELT AND TAFT CAMPAIGNS

Lo! he would lift the burden from the weak,  
Kindle with hope the dull eye of despair,  
And for the common weal all things would dare,  
Scourging the money-changers, smiling, sleek,  
Forth from the temple till on him they seek  
Impotent vengeance. Slanders must he bear;  
Foul imprecations that infect the air;  
Lies, till the heavy breath of Heaven doth reek  
With stench of calumny; the assassin's blow;  
The mockery of the proud; the stinging thorn  
Of faithless friendship; flattery turned to scorn;  
Yet while the coming years their gifts bestow,  
Crowning great names with glory, his shall shine  
In the front rank of our illustrious line.

—*Theodore Roosevelt.*

#### THE ROOSEVELT CAMPAIGN, 1904

As the time for the Presidential election in 1904 drew near, it seemed clear that Mr. Roosevelt would be the Republican candidate. His administration had been successful, and for the party to repudiate it and nominate another man would be fraught with serious danger. There were of course malcontents, especially among the "standpatters," and many Republicans looked back with regret to the time when the "organisation" had greater power and when their special interests were more carefully protected. Although Mark Hanna, the Warwick of the McKinley administration, was much talked of by dissatisfied politicians as a candidate, yet when the Republican Convention met, the popular demand for Roosevelt was so overwhelming that he was the inevitable choice of the party. Alton B. Parker was nominated by the Democrats. After my return from Europe in the early fall I took an active part in the canvass, speaking in various parts of the country.



One episode in this campaign is worth recalling. Mr. Carl Schurz had published in September, 1904, an open letter to independent voters, in which he said: "There are two Roosevelts in the field, the ideal, the legendary Roosevelt, as he once appeared and as many people still imagine him to be, and the real Roosevelt as he has since developed. There are no doubt many good citizens who intend to vote for Mr. Roosevelt, having the legendary Roosevelt in mind, but they will do well to consider that if elected, the real Roosevelt will be President."

Mr. Schurz here pictured the legendary Roosevelt as a man who abhorred and denounced spoils and immoral practices and contrasted him with the real Roosevelt, who consulted Boss Platt about public matters, treated the unspeakable Addicks with "friendly neutrality," had made Henry C. Payne, a lobbyist and political wire-puller, Postmaster-General, had appointed Clarkson to be surveyor of the Port of New York, and had been actually praised and supported by Lou Payn, whom he had dismissed as insurance commissioner.

This open letter incensed me beyond measure. The continual talk about the changes going on in Mr. Roosevelt's character had been making me weary for many years. Mr. Roosevelt first entered public life in 1882, as a member of the New York Legislature, where he was greatly praised for his independent and fearless course. But in 1884, only two years afterwards, when he voted for Blaine, many of the Mugwumps lost all confidence in him. When he was nominated as Mayor of New York in 1886, he had again degenerated. In 1890, when he was Civil Service Commissioner, they used to write to him "that it was hopeless to expect him to be true to his ideals now that he had been appointed to office." When he became Assistant Secretary of the Navy, they said there had been a great back-sliding from his splendid record on the Civil Service Commission. When he ran for Governor of New York, he was utterly given up by these sons of righteousness because he "took breakfast with Platt." Now he had fallen again, and the "legendary Roosevelt" of the past had become the "real Roosevelt." These repeated descents to Avernus, if they had not been wholly imaginary, would have brought him long before to some place far below the bottomless

pit, yet those who knew him well knew that he was exactly the same Roosevelt that he had always been.

In a number of my speeches, as well as in the public press, I thus commented upon the observations made by Mr. Schurz:

"One would think that a man who thus deprecates changes, even those which are imaginary, would himself be a paragon of immutability. Yet in the campaign of 1896 Mr. Schurz, in his speech of September 5 at Chicago, treating of free coinage and Mr. Bryan's candidacy, said:

"The father who teaches such moral principles to his children educates them for fraud, dishonour and the penitentiary. The public men who teach such moral principles to the people educate the people for the contempt and abhorrence of mankind. The nation that accepts such moral principles cannot live. It will rot to death in the loathsome stew of its own corruption. If the nation accepting such moral principles be this republic, it will deal a blow to the credit of democratic institutions from which the cause of free government will not recover for centuries."

"And yet after saying all that, Mr. Schurz voted for Mr. Bryan four years later upon exactly the same platform, thus helping to educate the people for the contempt and abhorrence of mankind!"<sup>1</sup>

The issues presented by the Democrats were most unimpressive. X  
The silver Democrats and gold Democrats were still so far apart that the success even of a neutral and colourless man like Mr. Parker was impossible. Indeed, the extravagant praise bestowed upon this candidate by men who knew nothing about him or his career seemed like the worship of the Athenians for the unknown god. There was but one result possible. Roosevelt was chosen by the largest majority yet given for any candidate for the Presidency. His second term was even more fruitful than the

<sup>1</sup> One of Mr. Schurz's friends was very indignant at these strictures, saying that in the present platform of the Democratic Party imperialism, and not free silver, was the paramount issue, and that it was upon this that Mr. Schurz had supported Mr. Bryan. This was true, and yet the platform upon which Mr. Bryan was running in 1900 had distinctly endorsed the free silver plank that had been adopted in 1896. As to the "paramount issue," I wondered what issue *could* be paramount to one which would cause the nation "to rot to death in the loathsome stew of its own corruption" and "discredit the cause of free government for centuries."

first in beneficent legislation and in wise and efficient administration, and it was crowned by an unexampled diplomatic triumph in negotiations, conducted upon his personal responsibility, for the settlement of the great war between Russia and Japan.

#### THE TAFT CAMPAIGN, 1908

It will be remembered that Roosevelt, after he had been elected to the Presidency at the expiration of his first term, had announced that he would not again be a candidate, and during his second administration the question of his successor was naturally considered. Roosevelt himself thought that the two most desirable men were Mr. Root and Mr. Taft. Mr. Hughes, the governor of New York, while an admirable state executive, had then far less knowledge than the other two of national affairs or of the men necessary to conduct them. The President once in a conversation in the dining-room of the White House, after all the others had left, spoke to me in the warmest terms of Mr. Root's ability, but he did not consider that he possessed the personal popularity which would make him available, and the fact that, as a lawyer, he had represented at various times vast moneyed interests in Wall Street made it doubtful whether he would be an acceptable candidate to the West. Mr. Taft, whose frank and genial nature made him universally esteemed, had been a warm and able supporter of the President's policies, and the President said he believed that on the whole he would be the most desirable candidate.

As the time approached for the Republican Convention, the preference of President Roosevelt for Mr. Taft was openly declared, and by reason of this it was charged that the President was not only trying to force this nomination upon the party, but was using Government appointments for that purpose and was coercing Federal employees on behalf of his candidate. The charges were sufficient to draw from him an elaborate statement of the character of his appointments and the principles upon which he acted, and at a later period an investigating committee of the National Civil Service Reform League, to which he turned over his appointment lists for examination, reported that not only

were appointments made in the usual manner on the recommendation of Congressmen, but sometimes of Congressmen who were notoriously opposed to Mr. Taft, and that the charges were not substantiated.<sup>2</sup>

An illustration of the manner in which the patronage charges against Roosevelt were made is shown by the following correspondence. I was spending the summer at Watch Hill, from which place on August 2, 1908, I wrote to the President as follows:

"A curious cock-and-bull story is going the rounds here. In spite of being known as your friend, I am a member (I believe in good standing) of 'The Ananias Club' at this place. It was declared in open session the other night that you had purchased the support of the delegation from Connecticut for Mr. Taft by the appointment of a Federal judge in that State. This was stated by a gentleman who was himself a delegate to the Chicago Convention, and two other members of the Club declared they had personal knowledge of the fact that you had promised the appointment to a Mr. Beach, whom you selected to reward him for his work in the celebrated Danbury case and to show your independence of the Connecticut senators; but that you found you could not get a Taft delegation from Connecticut unless you made the appointment recommended by the senators, which you accordingly did. The celerity with which this tale was accepted would be worthy of Wall Street."

To this he answered on the following day:

"I don't suppose that there was a contested appointment that came up during the last year as regards which some people did not, on behalf of each candidate, assert that to appoint him would help in the nomination of Taft; and it is perfectly possible that such a statement was made as regards the judge whom I appointed in Connecticut, whose name I for the moment forget. But if so, I don't remember it. Indeed, I should be inclined to think that it was far more probable that it was made as regards Mr. Beach. I of course never promised to appoint Beach, and whoever says I did promise lies out of hand. I distrust both of the Connecticut Senators, and especially distrust their recommendations in judicial matters, and therefore I took up my investigation into possible judges in Connecticut on my own initiative. I found out that there were four or five candidates of whom men

<sup>2</sup> See "Fighting the Spoilsmen," pp. 209, 210.

spoke very well, one of these being a former partner of one Senator, and I was informed that this fact would insure his being supported by the Senators, and that I should be very fortunate if I could get him. At first I was inclined to think Mr. Beach the better man, Hadley recommending him very strongly. I had Herbert Knox Smith investigate, and he agreed with Hadley that Beach would be the better man, but also reported strongly in favour of the other man, the man whom I actually did appoint. Clark, the editor of the *Courant*, and Alsop, a young fellow, a Yale man, a farmer, the leader of the Independents in the Connecticut Legislature, wrote to me very strongly in behalf of the judge whom I actually appointed. I then made a very careful investigation. I came to the conclusion that the men were of substantially equal merit; indeed, that possibly Beach was not quite as good as the other man, and that under such circumstances it would be unwise to get into a fight with the two Senators where I should certainly be beaten, and where the great bulk of my supporters in Connecticut itself would feel that I was in error and was influenced, not by a desire to get a first-class judge, but by a desire to see my man appointed instead of the Senators' man. In short, I followed exactly the same course that I have followed everywhere.

"You are entirely at liberty to read this letter to any one of those who made the statement to you, including especially the man who was a delegate to the Chicago Convention, and the two other members of the Club who declared they had personal knowledge of the facts. You may tell them from me that their statements are deliberate and wilful falsehoods, if they said, as you report, that I had promised the appointment to Mr. Beach, but found I could not get a Taft delegation from Connecticut unless I made the appointment recommended by the Senators, which I accordingly did. The ludicrousness of the falsehood is made plain by the fact, of which the men responsible must be fully aware, that the two Senators remained always hostile to Taft, never to me nor to any one else said they would support him or get the delegation for him, and that we finally got the delegation for Taft against their efforts, and actually left them at home because they weren't for Taft. In short, the statement is a lie from beginning to end. I always counted upon the hostility of the Senators to Taft. I originally expected them to recommend a candidate for judge whom I could not appoint, and when I finally became convinced that the candidate whom they recommended was substantially as good as, and was thought by a number of the best men to be better than, any other candidate considered, I did as I have always done with all other Senators in like cases and made the appointment. I shall be interested to hear what your informants have to say when this statement is made to them."

I replied as follows:

"I submitted your letter regarding the Connecticut judgeship to my three informants. The first said that your promise to appoint Beach was contained in a letter to Hadley, which my informant had not seen but which Hadley had interpreted as a promise, and was much disappointed when Noyes was chosen. My informant admitted, however, that he knew nothing about the appointment being made for the purpose of securing the Connecticut delegation for Taft.

"The gentleman who was a delegate to the Chicago Convention, upon being informed of your letter, insisted that it should be read before the Ananias Club, as a whole, as they had heard his original statement, so I read the letter to them, changing, however, the one 'little ugly word,' a 'lie,' to the word 'untrue,' which I think does not substantially affect the meaning. The delegate then said that a certain person whom he declined to name had been to see you and had told you that if you appointed Beach, whom you then proposed to appoint, you could not get the delegation for Taft and that when you afterwards appointed Noyes, there were many who believed that this was the reason you had done it. I answered that it might be that many believed that, but the important question was, 'Was it true?' He answered that he believed so too, and I replied that since he discredited your statement as to the reasons for the appointment, he must pardon us if some of us did not believe *him*.

"The third gentleman said that he had heard substantially the same thing, that he had believed that the purpose of your appointment was to secure a Taft delegation, but that your letter was a strong one and threw a different light upon the matter.

"With two other exceptions, I think the Club generally was upon my side of the controversy. I would not have brought such a subject before you at all except that I thought some question about it might arise later and that it might be well to nip it in the bud as far as possible."

To this the President rejoined:

"I have your letter of August 6th. There is nothing to say as to the second and third of your informants. Neither of them specifies anything which it would be possible either to prove or refute. I can not answer a man who says that 'a certain person,' whom he declines to name, has been to see me, especially when he says that it was that man himself, and not I, who made the statement that if I appointed Beach I could not get the delegation for Taft. Now as to your first informant, who said that my promise to appoint Beach was contained in a letter to Hadley which he had not seen, but which Hadley

interpreted as a promise, and was much disappointed when Noyes was chosen. Following I give you all the letters I wrote Hadley." . . .

Here follow the letters, in which no promise was contained. The President thus concluded:

"You are welcome to show all this to your informant and ask him just what he can find in the correspondence that would in the remotest way imply a promise on my part to appoint Beach or any attitude as to which exception could be taken."

To this no further rejoinder was made.

There was indeed much political manipulation in the Republican Convention by the friends of various candidates. But the most flagrant cases were among the supporters of other candidates than Mr. Taft. Many of the States had "favourite sons." Among these was Indiana, where Mr. Fairbanks was supported by the political organisation of the State. Mr. Taft, however, was nominated. His Democratic competitor was Mr. Bryan.

## CHAPTER IX

### THE PROGRESSIVE MOVEMENT

THEY left behind the slime of things unclean—  
The welded power of gold, the spoils of place,  
The subtle bonds of government unseen—  
To lift the helpless and redeem the base.  
They had a vision. Has it passed away  
To be forgot and known of men no more?  
Not so. It only hides its face to-day  
To rise to-morrow statelier than before.  
And he, their chieftain by diviner right  
Than any king on earth—his banner furled—  
Though he no longer lead them in the fight  
For ampler justice and a better world,  
Justice shall come although her feet be slow,  
And fairer springs shall blossom than we know.  
—*Progressives.*

### THE TAFT ADMINISTRATION

Mr. Taft was elected by an overwhelming majority. The convention which had nominated him was emphatically a Roosevelt convention, and the platform adopted opened with the declaration that the Republican Party had reached its highest service under Mr. Roosevelt's leadership; and after reciting in detail the things he had accomplished, added:

We declare our unfaltering adherence to the policies thus inaugurated and pledge their continuance under a Republican administration of the government.

It was upon this platform that Mr. Taft had been elected, and the American people expected him to carry out the Roosevelt policies. Almost immediately after the inauguration, Mr. Roosevelt started upon his African expedition. He thus made himself quite inaccessible and left Mr. Taft free to carry out his pledges



in his own way, unfettered by any kind of pressure from his predecessor.

But even before Taft was inaugurated there were strong influences around him urging him not to make his administration "the mere echo" of President Roosevelt's, and assuring him that by an independent course he could allay the conflict between the special interests and the people, as well as the discord in his own party, and that in this way he could transcend the achievements of his predecessor. The same thing had occurred when Roosevelt became President. He tells us in his autobiography (p. 381) of the friends who warned him against becoming a "pale copy of McKinley." But Roosevelt was not afraid of this, and he not only declared that he would continue McKinley's policies, but he even kept in office the whole of McKinley's Cabinet. Mr. Taft, however, made radical changes among his advisers and soon became closely affiliated with many who had attempted to thwart the policies of his predecessor.

During Mr. Roosevelt's administration the revision of the tariff had been crowded out by more pressing issues. There was, however, a widespread feeling that many of the schedules were unjust, that they had encouraged the formation of monopolies and the acquisition of vast fortunes, and had laid unnecessary burdens upon the consumers. The Republican Convention accordingly promised "a revision of the tariff by a special session of Congress immediately following the inauguration of the next President."

A revision is not necessarily a reduction, but the purpose of these words was to allay the widespread dissatisfaction of those who insisted that the tariff was too high. There were some thirty or more so-called "insurgents" in the House of Representatives who believed that Speaker Cannon was so closely identified with the trusts and protected interests that a satisfactory revision of the tariff could not be made under his leadership. The feeling was widespread throughout the Middle West that this was the case. When the insurgents tried to defeat Cannon for the speakership, Mr. Taft endeavoured to induce them to desist. This led to severe criticism, and as much of it came from my own State I thought I ought to inform the President of the feeling which

existed there. I had always been in the habit of speaking thus frankly to President Roosevelt, and as my relations with Mr. Taft were friendly, I presumed I might do the same thing with him, and a few days after his inauguration I wrote him at some length about the state of public opinion in the West, and especially in Indiana; of the resentment felt towards Cannon for his former obstructionist tactics and for his support of the protected interests. I told him that he, Mr. Taft, was suspected (although this was "utterly unreasonable") of being out of sympathy with the progressive element and of favouring Cannon's control; that this growing distrust was being openly voiced by prominent Republican papers in the State, and added that I thought it was only fair that he should have an honest statement of certain opinions widely held, no matter how much injustice these did him personally.

I found, however, from his answer (which, being confidential, I am not at liberty to quote) that he had taken my letter as a personal reflection; and he ended his reply with a rather sharp criticism upon "unreasonable reformers." Perhaps I had expressed myself too bluntly, but evidently here was a man who took friendly, though unpalatable, information in quite a different spirit from that of Roosevelt. I replied to him as follows:

TO THE PRESIDENT.

March 15, 1909.

DEAR SIR:

You have quite misunderstood my letter of the 10th. I did not in the least question that you were *doing exactly right* as to Cannon, but I told you what the *people were saying*. I did not presume to advise you, but will say now that if you would tell the *whole country* what you have just said in your letter to me, it would do much to keep intact that general confidence which is now unreasonably and prematurely wavering. I think you are dead right as to "reformers." I did not write as such, but, as I have been accustomed from long friendship to saying a lot of unpleasant things to President Roosevelt, I thought I might serve you by giving you a disinterested statement of *what I knew*.

#### THE PAYNE-ALDRICH TARIFF BILL

At the special session beginning March 11, 1909, just after Mr. Taft's inauguration, the Payne-Aldrich Tariff Bill was introduced.

In July, while the bill was still pending, the President wrote me quite a long letter discussing many of the schedules and expressing the hope that the reductions made in the Senate would produce a bill which would substantially comply with the promise of "downward revision." But the feeling throughout the country was almost universal against the proposed law, and the press with great unanimity denounced it. The President finally signed the bill as passed and began a speaking tour through the country in support of it. He made at Winona, Minnesota, a speech declaring that the Payne-Aldrich Act was the best tariff bill ever passed and that there should be no further changes. The people would perhaps have acquiesced in Mr. Taft's signing the bill, when the only alternative was to leave in existence a law which was as bad or worse, but his praise of the measure and its designers was more than they could stand. There was condemnation everywhere, and undeterred by my previous epistolary experience I determined once more to let him know what was the feeling of my own section. I therefore addressed to him the following letter:

RICHMOND, IND., November 10, 1909.

TO THE PRESIDENT.

DEAR SIR:

I dislike to bring bad tidings, for I know the fate of those who do, but the best office your friend can perform is to tell you the truth. The sentiment in Indiana, and I think in all this region, is more absolutely unanimous against your Winona position, that there should be no further changes in the tariff during your administration, than I have ever known it to be on any other subject in my life. The idea of waiting to see how the tariff works is well enough, as to controverted questions, but as to a matter like the woollen schedule where your own remarks show that the bill was iniquitous, it cannot apply. Your criticism of the insurgents in your Winona speech has seemed to our people particularly unhappy. . . . I have myself, editing an independent newspaper, refrained from any criticism of your position on this question, but I find the Republican party organs, both in this town and all over the State, are criticising you in no measured terms and making most invidious comparisons between your administration and that of your predecessor. The plain fact is that you are rapidly losing your hold on our people, and those of us who deprecate the inevitable alternative feel called upon to lift our voices in protest. I

do not talk this way to anybody else, but it is due to you to know the facts. . . .

The President answered on November 18 the above letter, and marked the answer personal. He must, however, have shown it, as well as my own letter, to others, for on the following Saturday there appeared in the Cincinnati *Times-Star*, a newspaper owned by Charles P. Taft, the President's half-brother, an article containing in garbled form the purport of much of the President's answer, and ridiculing my criticisms upon his action.

The article added:

"The correspondence has not been made public. But if Mr. Foulke should happen to make it public it would present in the most interesting fashion the position that has been taken by some of the President's critics and the position taken by the President himself. And neither of them has anything to conceal."

I naturally felt surprised that the President should have treated the correspondence in this way and on November 26 I wrote to him, enclosing the article in the *Times-Star*, and added that he who asked that a correspondence be kept personal should keep it so himself, and that if it were allowed to escape, care should be taken that it be fairly stated; and that in this case even a garbled version ought to be free from the injurious imputation that I was capable of publishing a personal letter from him without his authority.

To this letter the President answered:

I was as much surprised as you to see any notice of our correspondence in the newspapers. I see very few newspaper men myself; but I presume that in discussing the situation in Indiana I may have recited to people who are interested some of the correspondence, without the slightest intention of having it published. This, I understand from my secretary, is the way in which the matter was probably brought to the attention of the public. I cannot be responsible for the correspondent of the *Times-Star* or for the correspondent of any other newspaper. All I can do is to regret that that which was intended to be private correspondence was made public.

One would not have thought that after one such experience, another like it would occur, but in the February following Mr.

Lucius B. Swift took occasion to send to the President a remonstrance somewhat similar to mine, which the President answered in like fashion, in a confidential letter. What was Mr. Swift's surprise to see public comments of the same kind, and on March 2d the President sent to Mr. Swift the following letter:

MY DEAR MR. SWIFT:

I owe you an apology for your being troubled by queries from correspondents and reporters in respect to the letter I wrote you the other day. I do not know certainly how the fact got out that I had written to you, but I must infer that it is from a conversation I had with two Indiana men, of a confidential character. They have merely betrayed my confidence—that is all—for purposes of their own, apparently and have given out what they could gather from my statement of the correspondence. The statement was made in a discussion as to conditions in Indiana. When I say this I am merely stating my suspicion in respect to the matter, but what I wish you to understand is that I had no intention of allowing the matter to be published or to have you troubled by it.

My conclusions above stated are fortified by a somewhat similar and almost coincidental experience with Dudley Foulke, and the only source of publicity must have been through the individuals whom I have in mind.

Very sincerely yours,

WM. H. TAFT.

The foregoing correspondence illustrates a characteristic of Mr. Taft which probably led more than any other to disaster in his administration. He trusted those who betrayed him. In this case he was surrounded by men who, because they had axes of their own to grind, assured him that public opinion was all with him. These men swarmed around him while the people who thought otherwise remained away. A small object which is close at hand can hide a much greater one which is distant. So it came to pass that Mr. Taft did not know what was the actual feeling of the great body of his fellow-citizens. He saw little even of the newspapers that criticised him, and he adopted the unfortunate theory that their opposition to the Payne-Aldrich Bill was mainly due to the tariff it imposed on the wood pulp used in the manufacture of their papers!

The President was not content with reminding the Progressives

(as he had done in his Winona speech) that the Republican Party would bring to bear upon them that sort of public opinion which "would result in solid party action," but he afterwards deprived insurgent Congressmen of patronage in order to punish them. This fact was shown in the so-called Norton letter written by the President's secretary on September 15, 1910, which stated that

"The President felt it to be his duty to the party and to the country to withhold patronage from certain Senators and Congressmen who seemed to be in opposition to the Administration's efforts to carry out the party platform."

This letter became public through an accident and was criticised as an attempt to control legislation by patronage. It meant in substance, "Vote as I want you to or you shall have no offices to distribute," which is spoils doctrine pure and simple. But the President's secretary added:

"That attitude, however, ended with the primary elections and nominating conventions which have now been held and in which the voters have had opportunity to declare themselves."

The meaning of this was that the President was willing to yield when he found that the votes were against him.

*BALLINGER—ROOSEVELT'S RETURN*

The differences between Mr. Taft and the Progressives were not confined to the tariff. Controversies arose in regard to the conservation policy inaugurated by Roosevelt and endorsed by the Republican Convention. President Taft made an unfortunate mistake in appointing Richard A. Ballinger Secretary of the Interior as the successor to James R. Garfield and in removing Gifford Pinchot from the Forestry Bureau. These controversies still further separated the President from the Progressive members of his party, to which group Garfield and Pinchot belonged.

In the meantime (in June, 1910) Mr. Roosevelt had returned from his African and European journey. He was disappointed at the President's course and believed it would hurt the Republican Party, but during a visit which Lucius B. Swift and I paid to

him at Oyster Bay he told us that he hoped his friends would not do anything which would make their ultimate support of Mr. Taft impossible, since it was extremely likely that he would be renominated, although it was not probable that he would be re-elected. At that time and for some time afterwards Mr. Roosevelt had no intention of running for the presidency himself.

It seemed clear that Mr. Taft's policy was not to the liking of the people. In the election of 1910 the Democrats gained heavily in the House of Representatives, though the Progressive candidates suffered less than others. The breach between them and the President kept growing wider until finally a measure to reduce the tariff was passed by a coalition of Democrats and Progressives and vetoed by the President.<sup>1</sup>

#### THE REPUBLICAN NOMINATION IN 1912

In opposition to Mr. Taft's views, Col. Roosevelt declared himself a Progressive. Since he had declined to be a candidate and had asked his friends to see to it that no movement was made to bring him forward, a conference of Progressive Republicans endorsed Senator La Follette. But a speaking tour throughout the country had ended disastrously for him, and it was found that his candidacy was impossible. There was now no one else to lead the Progressives with any chance of success, and Roosevelt at last, in the latter part of February, 1912, declared that "his hat was in the ring," and that he had determined to make the race.

He was at once accused of ingratitude to Taft. The matter was considered as if it were a question of personal obligation and not of public duty. Yet it was Taft who had pledged himself to carry out the Roosevelt policies; and it was Roosevelt who had returned from Africa to find the President allied with his former opponents. Was Roosevelt now to discredit his own record, or was he to hold up the standard he had always maintained? If personal obligations could be considered, it was Taft and not Roosevelt who had first disregarded them. But the demands of public duty ought in any event to be paramount.

<sup>1</sup> As to the Trust question, see Chap. X, *infra*.

Mr. Taft seemed to be quite unconscious of the real character of his political companionships. He declared in a conversation with an Indiana man, "I am just as much opposed to bosses as is your own wild fanatic, the untamed Col. Wm. Dudley Foulke."<sup>2</sup>

And yet men like Penrose, Cannon, Aldrich, Lorimer, Guggenheim, Hemenway, Gallinger, even George B. Cox, the boss of Cincinnati, and other politicians of similar character, were working with all their might to get him nominated. They wanted an "opponent" with whom they could get on comfortably.

It was about this time that Roosevelt addressed the Constitutional Convention of Ohio, then sitting at Columbus, and spoke in favour of direct primaries and of the initiative, referendum and recall, including the recall of decisions and even of judges. This last proposition exposed him to widespread criticism.<sup>3</sup>

There was a vigorous contest in the primaries and in the district nominating conventions between the Taft men and the

<sup>2</sup> Mr. Taft always called me "Colonel," but unless such a title from the Commander-in-Chief gave me a sort of brevet rank, I certainly could lay no claim to it.

<sup>3</sup> On March 7th, 1912, I wrote him as follows in regard to it:

MY DEAR MR. ROOSEVELT:

. . . On one point only am I not prepared to follow, and that is the recall of the judges. Impeachment, as you say, is a failure, but impeachment need not be the only remedy to secure the removal of an incompetent or unjust judge. The Supreme Court may well be made the tribunal for all inferior judges, leaving only the judges of that high tribunal themselves unaffected. These might be removed on a complaint by the executive and a finding by the Legislature, much like the present Massachusetts plan, except that some definite charges ought to be formulated and found true before judges are removed. The evil wrought by an occasional unjust, corrupt, or incompetent judge seems to me less than that attending a recall, which would inevitably tend to make a coward of every judge whenever he is called upon to do an unpopular thing.

To this he answered:

DEAR FOULKE:

My attitude on the recall is exactly yours. As I said in the Columbus speech, I don't want to come to it, if there is any other way of



Roosevelt men. Wherever the question was submitted to the Republican voters, as in Pennsylvania, Illinois, and even in Mr. Taft's own State of Ohio, Roosevelt carried all before him. But the State and district conventions, manipulated as they were by political leaders, were generally for Taft. Thus in Indianapolis the local chairman declared that the Roosevelt men would not be allowed to carry a single ward! He excluded the Roosevelt watchers from the polls, the primaries were packed, and Roosevelt did not get a single Indianapolis delegate to the State Convention. In that convention men who were fraudulently elected were allowed to sit in judgment upon each other's credentials, and thus delegates at large were chosen to the national convention. In other States, Washington, California, Texas, Alabama, and elsewhere, similar frauds were committed.

The campaign soon became bitter and personal. Charges were made by Roosevelt and Taft against each other. Taft declared Roosevelt had garbled his speeches, had not given him "a square deal," and had disregarded the promise not to accept another nomination. Roosevelt charged the President with violating confidential correspondence, with intentional misrepresentation, and

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achieving our purpose, but, of course, achieve the purpose we must. What we want to do is to remove from the bench men who are unfit, and not wait until they can be proved guilty of criminal acts.

On March 17, 1912, I replied:

MY DEAR MR. ROOSEVELT:

I don't believe we look on the recall quite alike. While I think there is another way to secure the removal of unfit judges and of course agree with you that that way should be adopted, yet if their removal cannot be secured in that manner, I think it would be far better to continue to submit to present evils rather than adopt a method which would tend to make a coward, a trimmer, and a time-server of every judge. Unfit judges are a serious abuse, but we would hardly reform such an abuse by assassination, and I doubt whether the fear of assassination would degrade the judiciary any more surely than the consciousness that they must depend for their continuance in office upon pleasing what may be the temporary whim of the people. The terrible example of the French Revolutionary tribunals, aptly cited in the *Outlook*, should warn us against such a course.

with a responsibility for the alliance between crooked politics and crooked business; and he reminded the President: "It is a bad trait to bite the hand that feeds you."

It remained to be decided by the Republican National Convention at Chicago whether the voters of the party or its machine leaders and manipulators should nominate the President. There were 254 contested seats. The members of the National Committee, selected four years before and composed largely of reactionary politicians, some of whom had been discredited in their own States, now seated 235 Taft delegates. This gave Taft a majority on the preliminary roll call. The delegates thus seated voted in favour of each other's credentials, and Taft was nominated.<sup>4</sup>

#### THE PROGRESSIVE CONVENTION AND CAMPAIGN

What would the Progressives do? Should they permit a convention controlled by fraud thus to deliver the party into the hands of its reactionary elements by the nomination of a candidate who was not the choice of the vast majority of its members? Ought they thus to perpetuate misrule? They determined to organise a party of their own. Mr. Roosevelt was under no illusions as to the probable outcome of this course. He wrote me on July 1st that he felt the Democrats would probably win if a progressive man should be nominated, adding, "But of course there is no use of my getting into a fight in a half-hearted fashion, and I could not expect Republicans to follow me out if they were merely to endorse the Democratic Convention. So I hoisted the flag and will win or fall under it."

Progressive conventions were held in the various States and districts, and delegates were sent to a national convention, which met on August 5th in Chicago. I was one of the delegates from my own district and was placed on the committee on resolutions

<sup>4</sup> The fact that the party was misrepresented at this convention was clearly shown afterwards by the result at the polls, when Taft carried only two States in the electoral college, casting eight votes, while Roosevelt had 88 electoral votes and a majority over Taft of more than 600,000 at the polls,

to prepare the platform. Roosevelt, as the guest of the convention, delivered what he called "A Confession of Faith." The convention was filled with a kind of religious enthusiasm which reached its climax when he concluded.

The committee on resolutions had plenty to do on account of the great length of the platform and the vast number of questions considered. The original draft when read to us took more than an hour in delivery. I protested vigorously, and in our efforts to shorten and modify it we spent two whole nights, besides much of the intervening day. We got it down to less than half of its original dimensions, but it was still far too long.

In spite of hard work we had a good time on that committee. Professor William Draper Lewis, of the University of Pennsylvania, was chairman and controlled our discussions with great skill. William Allen White, Chester Rowell, Gifford Pinchot and other enthusiastic souls made things as lively as possible and the final product was one of the most notable platforms ever adopted by a political convention.<sup>5</sup>

It is astonishing, now that the Progressive Party is gone, to see how many of the things it advocated have been actually written into the laws either of the Federal Government or of various States.

Again I took an active part in the campaign. The strongest attack made against Mr. Roosevelt was upon the ground that he was a candidate for a "third term." Mr. Taft had warned the people against the man who intended to hold office for

<sup>5</sup> It advocated direct primaries and the election by the people of United States Senators; it recommended the States to adopt the short ballot and the initiative, referendum and recall. It demanded equal suffrage for women; civil-service reform; the limitation and publication of campaign funds both before and after elections; registration of lobbyists; publicity of committee hearings; reform in legal procedure; legislation regarding industrial accidents, child labour, wage standards, women's labour, etc. It also called for agricultural credits and education; a permanent Federal Commission for interstate corporations; conservation of natural resources; a tariff which should equalise competition and with immediate downward revision of excessive schedules; a non-partisan scientific tariff commission; international arbitration and a national inheritance and income tax.

life, and the Democratic platform had favoured a single term and a constitutional amendment making a President ineligible for re-election. I considered this objection in my speeches and reminded my hearers that the question had been carefully weighed by the convention in Philadelphia when the Federal Constitution was adopted.<sup>6</sup> That convention finally held that there ought to be no limit as to the number of terms for which a candidate should be eligible. The reason Washington had declined a second re-election was not because it would have been injurious to the public, but because he was personally weary of continuous service and believed he was entitled to seek the repose of Mt. Vernon.

It was further objected that since Roosevelt had said, when he was last elected in 1904, that he would not accept another term, he should therefore not accept it now, although he had been out of office four years. The thing he then had in mind was the question of successive terms, with the danger in the control of patronage which this might involve. But even if it had applied for all time, he had no right to bind himself to abstain from future service by such a declaration. When Washington laid down his command of the army at the end of the Revolution he stated in his circular letter to the Governors, his "determination of not taking any share in public business thereafter," but duty called him to the executive chair and he obeyed. Every criticism of Roosevelt for becoming a candidate on this ground would apply also to Washington.

But neither the excellence of the Progressive platform nor of the candidate could offset the fact that the Democrats were united while their opponents were hopelessly divided. Woodrow Wilson was elected President by an enormous plurality, though not by a majority of all the votes.

<sup>6</sup> Jefferson thought that the holding of the Presidential office should be limited to a single term; Washington thought otherwise. and in a letter to Lafayette on April 28, 1788, said, "I confess I differ widely myself from Mr. Jefferson and you as to the necessity or expediency of rotation in that office. . . . I can see no propriety in precluding ourselves from the services of any man who, in some great emergency, shall be deemed universally most capable of serving the public."

## THE FIRST WILSON ADMINISTRATION

President Wilson called Congress to convene in special session on April 7, 1913, and announced as the leading features of his policies: the revision of the tariff, a new banking and currency system, and additional anti-trust legislation. These things were accomplished gradually, though as to anti-trust legislation the remedy was quite incomplete, while many things promised in the Democratic platform were ignored or repudiated. For instance, the platform had declared that the Government had no right nor power to impose duties, except for revenue; yet by the new tariff law there were special industries which were protected. The platform had favoured a single presidential term and had urged a constitutional amendment making the President ineligible for re-election and had pledged the candidate to this principle; but no such amendment was proposed by Congress, and the candidate thus pledged afterwards became a candidate for re-election. The party had denounced the waste of money under the Republican administration and had spent much more itself; it had promised legislation to prevent gambling in wheat and had failed to enact it; it had declared that "the law pertaining to the civil service should be honestly and rigidly enforced, to the end that merit and ability should be the standard of appointment and promotion rather than service rendered to a political party"; yet in spite of this assurance one law after another was passed creating new offices, which were all excepted from the civil service examinations, and the existing places of deputy revenue collectors and marshals were removed from the competitive system. In each case the President signed the bills. Moreover, he permitted the fourth-class postmasterships and the rural free delivery service to be looted by politicians and to become the spoils of Congressmen,<sup>7</sup> while important ambassadorships were given to men without diplomatic experience, who had been large contributors to Democratic campaign funds. These shortcomings convinced many who had been Progressives that the Democratic Party with Mr. Wilson at its

<sup>7</sup> See "Fighting the Spoilsmen," pp. 233 to 242.

head ought not to be supported if there were any reasonable alternative.

The foreign policy of the administration was deplorable. In the platform it was said that "every American citizen in any foreign country must be given the full protection of the Government both for himself and for his property," yet when in Mexico hundreds of Americans were killed and women were ravished, the Government withheld this protection for years until a great body of our citizens residing in that country were compelled to flee, while their property was confiscated or destroyed.

Then in August, 1914, the great war broke out, and Belgium and France were invaded. Yet the President did nothing to prepare the country for the emergency nor to awaken the people to its perils. On the contrary, although our military and naval officers had warned him of the danger, although the Chief of Staff had urged an increase in the army from 93,000 to 500,000 men, although Roosevelt, Congressman Gardner, and other patriotic men had upbraided Congress for its demented policy in neglecting to prepare, the President not only failed to urge the need of a greater armament, but actually discouraged its formation. In his message to Congress of December 8 he said:

"We have never had, and while we retain our present principles and ideals we never shall have, a large standing army . . . and especially, when half the world is on fire, we shall be careful to make our moral insurance against the spread of the conflagration very definite and certain and adequate indeed."

He would give the rudiments of drill to volunteers and encourage National Guards, but, he added, "More than this carries with it a reversal of the whole history and character of our polity. . . . We shall not alter our attitude toward the subject because some among us are nervous and excited."

After a year and a half had elapsed and popular opinion all over the country, more alert than the President, had come to demand adequate preparation, Mr. Wilson took the alarm and in his speech at Chicago he announced that peace and the honour of the country might become incompatible; at St. Louis he demanded that America should have "*incomparably the largest navy in the world!*"

As to the army, the Secretary of War, Mr. Garrison, proposed a plan which Mr. Wilson approved, but when he met with opposition in Congress, the President relinquished it and Garrison resigned. The act which passed, providing for a State militia aided by a Federal subsidy, was utterly inadequate and greatly resembled "pork barrel" legislation. It seemed to many that the party and the President that adopted this as a measure of defence ought not to be continued in power.

Meanwhile the President gave warnings to the German Government, but failed to make them good. The *Lusitania* was destroyed and more than one hundred Americans were drowned, yet four days afterwards, while our people were stirred to the depths by this outrage the President in a speech at Philadelphia declared:

"The example of America must be the example, not merely of peace, because it will not fight, but of peace because peace is the healing and elevating influence of the world and strife is not. There is such a thing as a man being too proud to fight; there is such a thing as a nation being so right that it does not need to convince others by force that it is right."

Germany justified the sinking of the *Lusitania*, and the administration replied that any repetition of such an act must be regarded by our Government as "deliberately unfriendly." On March 24, 1916, the *Sussex* was sunk in the English Channel and more American citizens were killed. Our Government now declared that unless Germany abandoned her methods of submarine warfare against passenger and freight vessels, the United States would sever diplomatic relations. Germany replied that orders had been issued that merchant vessels should not be sunk without warning and without saving human lives unless an attempt were made to escape or offer resistance. Germany at the same time insisted that the United States should make certain demands upon Great Britain and declared that if these were not complied with Germany "must demand complete liberty of decision." Our Government answered that our rights must not be contingent upon the conduct of any other nation. To this Germany made no reply, and it was evident that the destruction of merchant vessels might be resumed at any time. Such was the unsatisfac-

tory condition of our foreign relations when the Presidential campaign of 1916 began.

## THE CAMPAIGN OF 1916

The Republican and Progressive National conventions were both held in Chicago on June 7th, the former in the Coliseum, and the latter in the Auditorium. Among the Progressives no candidate was spoken of but Roosevelt. Among the Republicans there were a number of "favourite sons," but it was clear to many of us in the Progressive Convention that Mr. Justice Hughes, of the United States Supreme Court, was their most available man. He had, however, declared that he was totally opposed to the use of his name, and he had made no announcement of his political belief. Some weeks before the convention I had written to Mr. Perkins, the chairman of the Progressive National Committee, as follows:

DEAR SIR:

I have been thinking much of what should be the course of our Progressive Convention at Chicago. It seems to be quite probable that Hughes may be the nominee of the Republican Convention. He will hardly make a declaration of his principles before the convention is held or before he is nominated. To nominate a man without knowing authoritatively what he stands for would, on the face of it, be monstrous. But it is likely that if he be nominated he will express his views at once. . . . But if our convention should wait until Justice Hughes gives this expression, and it should be favourable to the things we stand for, it might weaken us to oppose him with knowledge of this fact.

It would therefore seem to me that our convention ought to act instantly, if it should learn of Hughes' nomination, and, with a declaration of the absurdity of nominating a candidate whose views were unknown, should immediately nominate Roosevelt by acclamation, and leave with him the determination of the question whether, after further knowledge of Justice Hughes' intentions, he should support him or run himself upon the Progressive ticket. . . . I think Mr. Roosevelt would be better qualified, later on, to do what circumstances demand than the Progressive Convention would be to take final action.

It was a good deal in this way that matters developed in the convention.



The intense desire of that convention was to secure the nomination of Roosevelt by both Progressives and Republicans. On the other hand, the Republicans were determined that he should not be the candidate. Many of them would have preferred Wilson. Their object was to find a way to reject Roosevelt and yet offer a nominee who would attract the Progressive vote. In the Progressive Convention all was enthusiasm; in the Republican Convention, where the delegates had been "hand picked" from the regulars in the party, there was little enthusiasm but a great deal of calculation. Most of the Progressives wanted to nominate Roosevelt, and then adjourn and let the Republicans accept their candidate or face defeat, but the managers desired the union of the two parties under Roosevelt if possible; but if not, then under some one whom the Progressives could accept. Conferences were held through a joint committee, but without result. Balloting began in the Republican Convention, and on Saturday morning it became certain that Hughes would be nominated. About thirty seconds before this was done, Roosevelt was nominated by acclamation by the Progressives.

But now Roosevelt sent word that if an immediate decision was desired, he would decline. He suggested that the decision should be placed in the hands of the Progressive National Committee, and that if Mr. Hughes made a satisfactory declaration they should treat the refusal as definite. If not so satisfied, the committee could then determine what action would be appropriate. This telegram fell like a death blow upon the convention, and there was widespread indignation. Many were ready to denounce the man whose praises they had just been singing.

Justice Hughes' statement of principles was satisfactory, and Roosevelt wrote to the Progressive National Committee definitely declining the nomination and giving his reasons for supporting Hughes.<sup>8</sup>

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<sup>8</sup> The majority of the committee took a course similar to that of Mr. Roosevelt, but there was serious dissent. The Indiana State Committee repudiated his action. I wrote to him, telling him what they had done and in his answer, dated July 5th he said:

"For nearly two years I have been attacking Wilson as no Republican has attacked him, and I attacked him for a year when most of

My health was such that I could not take an active part in the campaign, but I contributed to its literature. Mr. Hughes' personal canvass was unimpressive, and he was defeated by a very close vote.

President Wilson had now reversed his policy in regard to making adequate preparation for national defence. At the same time his election was largely due to the support of the pacifists, who reminded us all through the campaign that he had "kept us out of war." In one respect his election was not so serious a misfortune as it seemed at the time, because the anti-war element was greatest in the Democratic Party and could best be controlled by a Democratic President who had sympathised with it. At all events, when the war came on, the country was successful in uniting all parties in support of the Government.

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the Republicans, including Mr. Taft, were inclined to support him. The Progressives who then supported me and who insisted upon my nomination must have done so, if they were intelligent and sincere, because I represented extreme hostility to Wilson. It is therefore now utterly incomprehensible how these men can support Wilson."

The men who controlled the Indiana organisation, however, did not represent the great mass of the Progressives in the State, and Hughes carried Indiana by a large majority.

## CHAPTER X

### THE TRUSTS

No might of arms can work thine overthrow,  
No foreign conquest nor domestic strife;  
Yet though thy shield be stout to foil the foe  
Poison may lurk within to waste thy life.  
Thine affluence offers in its golden bowl  
A deadlier bane than penury's bitterest gall.  
Let not the thirst for riches taint thy soul  
To spread its fell corruption over all.

—*Ad Rempublicam.*

See *infra*, pp. 177, 178.

### THE CHICAGO CONFERENCES

As far back as the administration of President McKinley the problem of the trusts began to crystallise into three sets of opinions: the first in favour of letting them alone, the second of exterminating them, and the third of controlling and regulating them. I believed the last to be the best plan. A conference of economists and publicists was called by the Civic Federation to meet at Chicago, September 13, 1899. It lasted four days. Every conceivable point of view was represented. I had been asked to prepare an address to be delivered on the afternoon of the 15th, but it was crowded out, and I was put on the programme for the first address in the evening. Just as I was stepping upon the stage a friend met me.

"I congratulate you on that speech," he said.

"What speech?" I asked.

"The one you delivered here this afternoon," he replied.

"But I made no speech this afternoon," I rejoined.

"Here it is," he answered, and showed me in an evening paper more than two columns of what I was alleged to have said. The reporter had asked me for an advance copy and the city editor, not knowing of the change in the programme, had published nearly

in full the things I was just going to say! I imagined that many in that audience must have seen it and to repeat to them the things they had just read—that was unthinkable. What was to be done? Luckily I had other material on hand, nearly enough for a second speech, and by good fortune there was just a little of my copy which the paper had not used. So by piecing the two together I could still make a presentable address. I had only a few moments to arrange my material, but it was enough.

The audience was an inspiring one. W. Bourke Cockran and Wm. Jennings Bryan had both been advertised to speak, so the hall was packed to the doors. I was able to go on swimmingly until Mr. Cockran entered amid applause which suspended my observations. I began again, but it was not long till Mr. Bryan appeared, at which there was a still greater demonstration. After it ended I told the audience that I knew quite well they had come to hear others and that I would bring my remarks to a close. A voice from the middle of the orchestra cried "Good!" This seemed pointed enough, though not remarkably polite, and in a minute more I was done.

The audience, however, as I concluded, showed me a good deal of cordiality.

Next day a gentleman came up to the place where I was sitting and in a rather sheepish manner said:

"Mr. Foulke, I want to apologise."

I asked him why.

"I am the man," he said, "who cried 'good' during your speech last night. I meant that what you had been saying was good—not that it was good you were going to stop. But neither you nor anybody else seemed to understand it that way."

I thanked him for his explanation, but I realised then as never before the importance of putting punctuation in the right place.

Mr. Cockran made an elaborate and brilliant address, urging that the trusts should be deprived of all special favours and that publicity should be required, but insisting that otherwise they might safely be allowed to conduct their operations.

On the following morning Mr. Bryan spoke. A monopoly in private hands, he said, was indefensible. The removal of the tariff or of railroad discriminations would not obliterate the

trusts. The remedy he proposed was that Congress should pass a law providing that no corporation organised in any State should do business outside that State until it received a license granted only on condition that the corporation should show: first, that there was no water in its stock; second, that publicity in its business was provided for; third, that it had not maintained and was not attempting to secure a monopoly. If any of these conditions were violated the license should be revoked.

In the afternoon there was an open debate, and I seized the occasion to criticise Mr. Bryan's plan, insisting that even if a license should be refused and corporations should be forbidden to do business outside the State where they were organised, this would not annihilate the trusts. They might sell their goods to a middleman, who, if he should become the owner of property lawfully manufactured in his own State, could not, under our Federal Constitution, be excluded from selling it in other States. The States had been passing laws for the abolition of trusts for more than ten years, yet all these, as well as the Federal act, had been found ineffective. The Supreme Court of the United States in the Knight case—the case of the Sugar Trust—had decided that the Sherman Anti-Trust Law applied only to the agencies controlling transportation, and had indicated that the Constitution had given Congress no power over manufacturing trusts, and that the Sherman Act had not prohibited them. To do this, therefore, an amendment to the Constitution would be required. This would have to be adopted by two-thirds of both houses of Congress and ratified by three-fourths of all the States. It would be very hard to secure such an amendment. . . .

I thus continued:

It seems to me that if all corporations could be destroyed (which I think is impossible) we could not even then abolish the trusts. If the Standard Oil Company were dissolved, the men who control it might organise a partnership to carry on the same business in the same way. Or if that would involve too great a risk, what is there to prevent the stockholders of the great companies from loaning the value of their stock to some manager, agreeing to receive in lieu of interest a proportionate part of the profits of the joint adventure?

If you abolish one form of combination, another will take its place. When you propose to annihilate trusts you are proposing to destroy the tendency of men to unite, and it is just as impossible to destroy that as it is to annihilate the law of gravitation.

But although we cannot annihilate the trusts, we may regulate and restrain their injurious influences. You cannot stop the Mississippi by a dam, but you may conduct it into safer and more convenient channels.

To this Mr. Bryan replied:

I do not agree with the gentleman that you cannot annihilate a monopoly. I believe it is possible to do so. . . .

The Supreme Court in deciding the Knight case did not say that a broader law than the present one would be unconstitutional.

It is true there are things in the decision which suggest that, but until that question is presented to the Court, you cannot say that the Court has passed upon it. It is also true that Justice Harlan in his dissenting opinion, assumed that a broader law would be held unconstitutional, but no one has a right to say that if such a law as I suggest were passed and reviewed by the Supreme Court, it would be held unconstitutional.

But suppose the law is passed and held unconstitutional; then we can amend the Constitution.

The gentleman suggests that it is a difficult thing to get two-thirds of both houses and three-fourths of the States to favour such an amendment. That is true; it is a difficult thing, but if the people want to destroy the trusts they can control two-thirds of both houses and three-fourths of the States.

It had been intended that resolutions should be passed expressing the sense of the Conference, and Mr. Bryan insisted upon this, but the differences were so pronounced that it could not be done. The only remedy upon which all seemed united was greater publicity for business transactions.

But the resolutions which Mr. Bryan failed to secure from the Conference he succeeded in securing from the Democratic National Convention in the following year, and his proposal became one of the issues of the campaign.

He was overwhelmingly defeated by McKinley, and his scheme for the extermination of the trusts was indefinitely postponed in favour of the more reasonable plan of endeavouring to regulate and control their harmful activities. McKinley's early death and

the succession of Roosevelt were followed by active measures looking toward this regulation. The Department of Commerce and the Bureau of Corporations were established, and investigations were made which showed the oppressive methods adopted by the Standard Oil Company and similar organisations. The bill forbidding rebates was enacted as well as the meat inspection bill, while the rate bill and other regulative and restrictive measures were set on foot.

In October, 1907, another conference on the subject of the trusts was held in Chicago; I was again invited to participate and suggested the following plan for Government regulation of industrial monopolies:

Whenever a corporation is accused of exercising monopolistic powers and injuriously controlling rates, driving competitors out of the market by arbitrary reductions, preferring one set of customers to another, or one section of the community to another, and so far suppressing competition that it can maintain its unjust rates and discriminations; acting, in other words, oppressively either to rivals or to the public, provision should be made for a suit to be brought before an appropriate tribunal. Let the object of that suit be, not to dissolve the corporation, which is useless, or to confiscate its property, which is ruinous, but to declare it a monopoly and to subject it for that reason to the same Governmental control as to rates, prices, purchases, sales, reports and general conduct as railways and other public-service corporations.

#### TRUSTS IN THE CAMPAIGN OF 1908

In the campaign of 1908 with Taft on one side and Bryan on the other, the trust question again came to the front. Mr. Bryan had by this time developed his original license system for exterminating the trusts into something far more elaborate and impossible. The Democratic platform proposed that whenever a corporation controlled twenty-five per cent of the product in any line of industry it should be required to take out a Federal license to conduct an interstate business, and that this license should prohibit it from controlling more than fifty per cent of the product. It would be hard to conceive of a crazier plan for abolishing the trusts. A special census of the particular industry would be re-

quired, entailing enormous labour and expense, before the preliminary question could be settled, whether the corporation was bound to take out a license at all. And when the license was procured, what was accomplished? The corporation was prohibited from controlling more than half of any product. Another census would have to be taken to find when that point was reached. The licensed corporations were to oscillate between twenty-five and fifty per cent. But suppose the second census were taken and it were proved that a corporation controlled sixty per cent, what then? It could be dissolved. The owners and managers would then create new organisations with their wives, relatives, friends and business associates in charge of "competing" concerns which would carry on business and oppress the public just as before. But all this could already be done under the Sherman Act! Mr. Bryan's plan was the most elaborate and expensive scheme for accomplishing nothing that had ever found entrance into the platform of a great political party.

It was natural that upon such an issue the Democratic candidate should be overwhelmingly defeated.

Voluntary Federal incorporation was the measure advocated by President Taft. It struck me as utterly futile. When the President came out with his measure filled with this tempting provender and shook it under the noses of the trusts, would they begin to eat and let him put the halter around their necks? Some of the younger and greener ones might do so, but the old grey fellows would kick their heels in the air and trot off the other way. Nothing but a good strong cowboy's lasso could ever haul them in. No great monopoly that really needed to be regulated would voluntarily incorporate. Mr. Taft's remedy for the abuses of the trusts was to give them an additional privilege, to be accepted or rejected at their option!

#### PRACTICAL REMEDIES

But while we had been thus debating and theorising, other countries had been acting. Canada had provided for an investigation which should determine whether a given "combine" was a harmful monopoly, and Germany had shown the kind of governmental



regulation to be applied where a monopoly actually existed.<sup>1</sup> If America would combine the essential features of Canadian and German legislation the problem would be solved.

I advocated this solution of the trust question on various public occasions, among others at a meeting of the Civic Federation in New York on January 12, 1911. In a subsequent issue of the *Outlook* in this same month Theodore Roosevelt referred with approval to this method of controlling the trusts. He said: "I think that the powers of the Bureau of Corporations should be so extended as to enable it to apply to the gigantic business combinations participating in the commerce between the States the same kind of Federal regulation which is now applied to the railways through the Interstate Commerce Commission. Mr. William Dudley Foulke has worked out this idea admirably in his recent speech to the National Civic Federation and has shown that all that is necessary for us to do is to combine and slightly improve upon what has already been done in Canada and Germany in this matter.

"Where competition is really free, competition is still the best

<sup>1</sup> In Canada by "The Combines' Investigation Act" six persons might make application to a judge for an investigation, and if this was ordered, the minister of labour appointed three persons to conduct the enquiry, one on the recommendation of the applicants, another on the recommendation of the parties accused, and a third on the recommendation of the two members so chosen. This third man must be a judge. Whenever it was found to the satisfaction of the governor in Council that a combine existed to promote unduly the advantages of the manufacturers or dealers at the expense of consumers and that this was facilitated by customs duties, he might direct that the articles affected be admitted duty free. Or if the holder of a patent injured trade and unduly lessened production or enhanced prices the minister of justice might cause the patent to be revoked. If a person reported as guilty continued to offend he was liable to a penalty of a thousand dollars for each day after ten days from the publication of the decision.

Where a monopoly was actually established Germany applied the remedy. For there a law had been passed regulating the production of potash, of which that country had a monopoly, owned and operated by fifty-four companies which were overproducing and depleting the supply. The act fixed the proportion which each company might produce, the labour conditions and the maximum prices and provided a court to reapportion this production every two years.

fixer of prices and regulator of conduct; but where competition is in reality stifled, and one great concern gets the power to fix prices of labour and commodities, then the Government should receive the power to exercise administrative control over the concern and should exercise that power just as freely as if the concern were one of the so-called natural monopolies like a street railway or a water company. . . . The proceeding should be, in substance, to declare any corporation an injurious monopoly, and when that declaration should be definitely affirmed by the proper body, whatever it might be, to subject the corporation to thorough-going governmental control as to rates, prices and general conduct."

Some two months later, at a meeting of the Western Economic Society at Chicago I discussed more in detail the kind of control which ought to be exercised by an interstate trade or industrial commission (as the successor of the Bureau of Corporations) in cases where the monopoly involved had been shown to be guilty of an injurious restraint of trade.

On September 26, 1914, an act was passed establishing a Federal Trade Commission to deal with associations (except banks and common carriers) which used "unfair methods of competition in commerce," but its determinations had to be enforced by a Federal Court and were subject to an appeal, while the scope of the Anti-Trust laws was not greatly extended. Much of the work of the commission corresponded to that of a master in chancery in a Federal Court.

The measures which will ultimately be needed for the control of injurious monopolies have not yet been taken. It is realised that Government control may be necessary to protect the public from the domination of organised labour as well as from the tyranny of concentrated capital, and it is clear that if the great industries of the country are to remain in private hands such control will have to be provided by law.

I have always thought that this problem of the trusts was a vital one, not simply because these combinations of capital brought in their train monopoly and injustice, but because they were part of a general tendency toward the accumulation of vast wealth in the hands of the few. This, if it goes on unhindered,

is bound in the end to take the real power of government from the body of the people and give it to a favoured class, thus creating an oligarchy in place of a democracy. I had been deeply impressed by the lesson taught in the history of the decline and fall of many free communities and nations from this cause, and I embodied the most striking examples in ancient as in later times in my address to the Civic Federation, setting forth the peril which these illustrations foreshadowed. Some will say that the analogies are remote and the danger exaggerated. Others will believe that a more immediate danger is threatened by the vast combinations of workingmen and by the propaganda of the more radical representatives of labour. But unless the record of the decay of liberty in the past has been falsely written, the menace of the ultimate overthrow of popular institutions from the growth and concentration of wealth cannot be disregarded. A careful consideration of what the past should teach us in regard to this vital question is necessary for our national safety.

## CHAPTER XI

### THE LEAGUE TO ENFORCE PEACE

God speed the day when the advancing hours  
Shall bring the world a league of sovereign powers,  
Wherein the right of single states shall bend  
To the just will of all, and the decrees  
Of some great world tribunal be the end  
Of wasteful war's superfluous cruelties.

My country, lead thou in these paths of peace!  
But till that hour shall come let not soft ease  
Relax thy spirit or subdue thy soul.  
Until mankind shall reach this loftier goal,  
Keep thou thy sword unsheathed, for thou dost hold  
Within thy fruitful body precious seed  
Which shall into a newer life unfold  
And save the world in its extremest need.  
Two lessons have been thine to teach mankind,  
Freedom, then Union! Send thy heralds forth  
Bearing thy later message till thou find  
Peace, born of Union, spread o'er all the earth.

—*Centennial Ode, 1916.*

### PRELIMINARY ORGANISATIONS

I had been interested for many years before the outbreak of the great war in the question of preserving the peace of the world, but the Utopian ideas then current offered no practical remedy. On April 3, 1906, a conference of the Inter-Collegiate Peace Association was held in Richmond at Earlham College, an institution under the control of Friends, and naturally hospitable to propaganda in favour of peace. I was asked to speak and, believing that some arguments upon the other side might add zest to the discussion, I appeared as the *advocatus diaboli*, presenting various reasons for war as given to me by the devil in a dream. I spoke of the evolution through strife of all organic

life; of the degeneration which followed long periods of peace, especially at the time of the decay of the Roman Empire; of the helplessness of the peace-loving Chinese; of the need of furnishing some substitute for the courage which war developed; but I finally concluded my address with an argument which was *not* suggested to me by my diabolical companion, in favour of an international tribunal to decide controversies in some other way than by the sword. My comments were treated with great good nature by my peace-loving auditors, but I do not recollect that the devil's arguments were answered.

At a later period, when men prominent in public life began to take part in the movement, there was still a good deal that was visionary in their efforts. Some demanded the immediate reduction of armaments, as if nations could be expected to disarm before they had any other means of securing justice. Others proposed the neutralisation of particular territories, a measure which had already been unsuccessful in several cases,<sup>1</sup> and which was destined to a still greater failure in respect to Belgium. Others relied on the propagation of peace principles, unmindful of the fact that this had been one of the aims of Christianity for two thousand years and was still unsuccessful.

But if we sought to substitute for war, arbitration and judicial decision, there was a real gain.

Arbitration had already been tried in a good many cases, and war had never followed, and if a permanent court could be substituted for this more temporary expedient, even better results might be hoped for.

But there would still be lacking a most important feature—the executive power to enforce the decrees of the court. Some said that international public opinion would be sufficient. Public opinion is more effective and definite in smaller units than in larger ones, and international public opinion is not nearly as strong as national public opinion. It might be strong enough to induce the most highly developed nations not wantonly to break the clear terms of a solemn treaty, and perhaps strong enough to prevent a nation which had voluntarily submitted a case to

<sup>1</sup> E.g., Cracow, Samoa, the Congo.

arbitration from repudiating the award, if no very vital interest was affected. But on the whole the compelling power of international public opinion is rather a hope for the future than the attainment of the present.

The substantial foundations for this hope were well illustrated, however, by the growth of public opinion in our own country in reference to the Federal Supreme Court. The Constitution gave that court jurisdiction in cases between States and the citizens of other States, yet when it was held, in *Chisholm against Georgia*, that this authorised the citizen of one State to sue another State, Georgia successfully defied the judgment of the court. In like manner Pennsylvania resisted the court's decree in the case of the sloop *Active*, and in the Cherokee case Georgia again defied the court's decision that a State law was unconstitutional, and in this defiance was supported by President Jackson. Again in 1859, a man, convicted in Wisconsin for violating the fugitive slave law, was liberated by the State court on the ground that the law was unconstitutional, though the Federal Supreme Court had held the contrary. In all these cases the public opinion of a particular State would not permit the enforcement of the decrees of the Federal tribunal.

Yet the Supreme Court has constantly grown in power, and no State would now resist its decrees. The court has never yet applied to any other authority than public opinion to carry out a judgment against a State, but it may well be that the fear of other powers in reserve helped to form and strengthen that opinion.

While we could not hope that public opinion would grow so readily among nations differing in language, blood and social usages far more than the homogeneous States of the Federal union, yet if an international court should act with as much wisdom and justice as had characterised the decisions of our own tribunal, international public opinion would gradually grow until the bulk of its decisions would be respected and enforced. In order that such a result should be attained, the court should not be overloaded with too large a jurisdiction at the outset. The thing to do was to get the court and then enlarge its jurisdiction as the way should open and public opinion should become ripe.

Nor was it desirable that all the nations should at once co-operate in the formation of this tribunal. It would be far better to let it be composed of judges from those nations only whose history and institutions should give reasonable hope that they would submit to its decrees.

But something still more specific should be done in support of its decisions. The nations taking part in its organisation should mutually guarantee that they should be enforced. Of course there would be nothing but international public opinion behind such an agreement, but public opinion is generally much stronger in favour of the fulfilment of a specific promise than of a general duty.

I urged these views at various meetings of the Society for the Judicial Settlement of International Disputes, at two Mohonk conferences, and at a conference held in Cleveland, in 1915, to consider the subject of a world court and an International League. It seemed to me that the establishment of such a court would not only be desirable of itself, but still more desirable as a step in that great movement which might lead at last to a federation of mankind; that in the future the world was bound to become at some time either a consolidated empire or a federation of nations. The development of the family into the clan, of the clan into the tribe, of the tribe into the nation, and then the union of independent States into great federated republics and great empires—this development left only one step still to be taken, and by all the analogies of sociology and history the world would be sure to take it.

#### THE LEAGUE TO ENFORCE PEACE

It was about this time, considerably after the outbreak of the war, but before we had become engaged in the struggle, that an association was proposed to promote the peace of the world by means of an international league. At the head of this movement was ex-President Taft, and prominent among its counsels were A. Lawrence Lowell, Alton B. Parker, Oscar S. Straus, Theodore Marburg, and Hamilton Holt.

A call was issued and the plan proposed was that all justiciable

controversies should be referred to an international tribunal for decision, and non-justiciable questions to a Council of Conciliation for recommendation and report, and that both the economic and military forces of the signatory powers were to be employed against any of them that committed acts of hostility against another, before the controversy should be so submitted, and for a reasonable time after the court had decided or the Council had reported. Further rules of international law were to be formulated by conference between the powers.<sup>2</sup>

On June 17, 1915, the "League to Enforce Peace" (as it was called) was accordingly organised at Philadelphia, in Independence Hall. William H. Taft became its president and A. Lawrence Lowell, president of Harvard, chairman of its executive committee. I was present at the time of its organisation and stated what I considered was the initial difficulty in the call. What were justiciable questions? The few cases decided had failed to give any complete classification. The twilight zone of the undetermined was still very extensive.

<sup>2</sup> Mr. Roosevelt had declined to take part in this organisation. I was invited to join it and on June 4, 1915, I wrote to Mr. Roosevelt enclosing a copy of the proposals and saying:

"I want to write you about the League of Peace, proposed by Taft, Alton B. Parker, etc. I was invited to speak at the Cleveland Conference and did so, approving of the main features of the within proposals but taking issue upon the proposition that *all* justiciable questions should be submitted to a World Court for judgment, both upon its merits and as to any issue of jurisdiction.

"I quite agree with your position in 'America and the World War' that the nations ought first to agree as to certain elementary rights which should *not* be questioned, and then submit all *other* questions to the World Court. If a court can pass on what questions are justiciable and what are not, it may decide anything to be justiciable—the right to exclude aliens, or to regulate domestic affairs, for instance—and no nation could afford to agree in advance thus to surrender something which might include its whole sovereignty. I don't think all questions affecting honour and vital interests ought to be excepted. That would allow a nation to call any subject a matter of honour or vital interest and so escape submission. But it ought to be agreed in advance just what things are *not* to be submitted and then let all the rest go in. For instance, we could not submit the Monroe Doc-



I insisted that there ought to be certain things specifically excepted from the jurisdiction of this tribunal. Every nation would insist that its territorial integrity should not be questioned, nor its right to manage its own affairs in its own way—to determine, for instance, what immigrants it would receive. Such matters ought, therefore, to be specified in the treaty which created the court and ought to be excluded from submission.

Therefore, upon my motion, an amendment was made to the article, referring to the court all justiciable controversies, by adding the words, "Subject to the limitations of treaties." Thus the particular questions which each nation was unwilling to refer would first be specified in the treaty and excepted from such reference.

The main purpose of the plan proposed was to provide a breathing time in which to settle controversies before the beginning of hostilities. And the provisions were valuable, not so much from their immediate effect, as on account of the prospect they offered for a closer union of the nations. This league might finally de-

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trine; that is necessary to our national defence, and we could not let any court take it away from us, as an international court certainly would do if it had a free hand in the matter. So, too, Japan might well except from submission the question whether Western powers should acquire additional territory in the Far East. These matters, as you say, should be guaranteed in the initial treaty. . . .

"Now I was asked to join in calling the League of Peace Conference in Independence Hall on June 17th to discuss the Taft proposals. The letter wanted me to sign an approval of those proposals. This I declined to do, stating my objections, but saying that in other respects I was in favour of the movement. They accordingly put me down as one of the callers of the Conference, and I expect to attend and state my objections there if I have the opportunity to do so."

To this Mr. Roosevelt answered on June 16th:

"DEAR FOULKE:

"Of course I agree absolutely with your letter. You have stated the reason why I declined to take part in that Conference. I hope that you will take part, in view of your name having been appended to the call, and be able to make your statement just as you outlined it; and I will try also to make a statement to the same effect. . . ."

velop (like the United States under the Articles of Confederation) into a more perfect union, the initial defects being gradually remedied as they became apparent.<sup>3</sup>

After the United States entered the war, our executive committee prepared a number of tentative suggestions for a proposed League of Nations and submitted them to President Wilson but, at his request, we refrained from giving them publicity.

It was hard to find out what the President favoured. If he had any definite proposals he apparently did not desire co-operation, but merely ratification of such things as he saw fit to do. After the armistice was signed and he went abroad the people were left as much in the dark as ever as to what kind of

<sup>3</sup> Early in 1917 (nearly two years after the organisation of the League to Enforce Peace) Mr. Roosevelt made some severe strictures in the *Metropolitan Magazine*, and elsewhere, upon those who were connected with it. The League, he said, was supported by too many professional pacifists whose influence was an unmixed evil. He spoke of it as a mischievous sham, because it had not adopted obligatory military training. It would be wicked to make such promises as it proposed until after we had built up a military force that would make them effective. Under it the Monroe Doctrine could be submitted to an arbitral tribunal, in which Chinese and Turkish judges might deliver the casting votes.

On March 19th I wrote him reminding him that he had hoped I would take part in it and propose the amendment that it should be subject to the limitations of treaties, these treaties to contain the vital matters which we would *not* submit. I had done so, the amendment was adopted, and I had accordingly joined the League and had been placed on its executive committee, and that I did not altogether appreciate being included in his criticism that agitation in favour of this movement was infamous and against international morality, or that the League proposed a quack nostrum and that it was wicked to agitate for it. I added:

"In your article on 'Utopia or Hell,' in the book 'America and the World War,' I think you stood for substantially this principle, as your letter to me of June 16th would indicate, and further think that you are mistaken in considering that the bulk of the men controlling the movement are pacifists. Indeed, at the last meeting of the executive committee a few days since it seemed to me none of them were, and I enclose resolutions passed at different times which indicate that this has never been its attitude. It refused to take part in a recent peace

a league he desired. The negotiations were secret, and little was known as to which of the provisions of the Covenant were due to his initiative and which to the insistence of others.

#### THE LEAGUE OF NATIONS

The final covenant included in the Versailles treaty differed widely from any of the previous plans.<sup>4</sup>

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conference and expressly recommended to its members that they should not attend.

To this he answered:

"DEAR FOULKE:

"Now I must confess that I had forgotten about your being in the League to Enforce Peace, but if you will read what I have said a little more carefully, you will see that I carefully guarded myself, and attacked only the people who are in that League as a means to avoid doing their duty in the present. . . . Give me a chance to see you the first opportunity. It isn't necessary for me to say that I swear by you and your family in every way.

"Faithfully yours,

"THEODORE ROOSEVELT."

<sup>4</sup>In one respect this was made necessary by the changed conditions. A number of new nations required the care and tutelage of others to protect them from predatory neighbours and to help them develop their institutions, so the question of mandatory powers was inevitably involved in the treaty.

Naturally the main questions involved were: Who should compose the League? What should be the extent of its powers, and what the obligations of each of its members? The first nations to compose it were necessarily the allied and associated powers—those which had declared war against Germany, some thirty-two in all, of which the five leading nations were Great Britain, France, Italy, Japan, and the United States. Thirteen neutral nations were also invited. The Central powers and certain others could be admitted afterwards by consent of two-thirds of the nations already in.

The organs of the League were an Assembly, a Council and a Secretariat. In the Assembly each nation might have three delegates but only one vote. But the real power of the League was conferred upon the Council, composed of representatives of the five great powers and

It was on the whole a very clumsy document, perhaps inevitably so, for it is hard to get many nations to agree unanimously to complicated provisions. It would have been better to have adopted some simpler plan like that originally proposed by the League to Enforce Peace.

Moreover, the manner in which President Wilson acted in preparing this covenant naturally aroused resentment. The Constitution says that the President is to make treaties by and with the *advice* and consent of the Senate. That means something

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four other members to be elected by the Assembly. The Council was to meet each year, and the Assembly at stated periods to be afterwards fixed, or oftener, if so determined.

The Secretariat was appointed by the Council, with the approval of the majority of the Assembly, and had no independent authority.

Every determination of the Council (except in a few specified cases) must be by unanimous vote. This provision was certain to paralyse its efficiency, but unless unanimity were required there were nations which would not give up their sovereignty by joining a League where they might be outvoted.

The paramount object of the League was to secure peace, first, by the reduction of armaments; second, by the guarantee of the integrity and independence of the members, and, third, by providing for arbitration and conciliation. The Council was to formulate plans to reduce armaments, subject to revision every ten years. Since this must be done unanimously there was doubt how far the Council could go. There was nothing to compel any nation to adopt these plans, but if adopted no nation could increase its armaments so fixed without the unanimous concurrence of the Council.

By Article Ten the members undertook to preserve as against external aggression the territorial integrity and political independence of the nations belonging to the League, and the Council was to advise upon the means by which this should be done.

This article was obscure. Suppose no advice was given (and a single member might prevent it), what then was the force of this obligation? Could a nation refuse to perform it? Or was each still bound to resist such aggression by force of arms? The article, therefore, seemed to be either ineffective or else imposing heavy responsibilities.

The third method of preserving peace was much like the one which had been proposed by our League to Enforce Peace. Each nation agreed to submit all disputes either to arbitration or to enquiry by the Council, and not to resort to war until three months after the award or report. Should any nation violate this provision, it was deemed

more than mere consent. While it is true that many treaties have been first made by the Executive and then submitted, it has also been common during the negotiations for the President to confer informally with members of the Senate Committee on Foreign Affairs and with other leaders. There never was a time when mutual co-operation was so important as at the close of the World War, yet President Wilson apparently consulted with no Senators at all and gave none an opportunity to participate in what he did. All this was calculated to exasperate them.

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to have committed an act of war against all other members, and the others would then undertake to prohibit trade and intercourse with such offending nation, and the Council was to recommend what military and naval forces should be contributed by each to the armaments needed. This was the most valuable provision of the covenant, but it was much weaker than the proposals originally made by our League to Enforce Peace. In the covenant there was no division into justiciable and non-justiciable cases, nor was any court created at all. The members merely agreed to submit to arbitration such disputes as they wished. All others went to the Council, which merely reported its recommendations. Either party could appeal to the Assembly. If the report of that body was unanimous, outside the parties to the dispute, the members agreed that they would not go to war with the party which complied with the recommendation. Such unanimity, however, might be hard to secure, and if there were no unanimous report the nations reserved the right to take such action as they considered necessary. In these cases wars might still occur.

The covenant might be amended, if the amendment were ratified unanimously by the nine members of the Council and also by a majority of the members represented in the Assembly. Amendments, therefore, would be all but impossible where there was any serious conflict of opinion.

And yet the permanency of the League was not secured, for any nation might withdraw upon two years' notice, if it had fulfilled its obligations. Here again there was room for controversy. Who was to decide whether its obligations had been fulfilled?

The reference to the Monroe Doctrine was vague and obscure. No one could say what was meant by it or who was to decide what that Doctrine was.

The covenant did not set up any international court, although it provided that the Council was to do this thereafter. Nor were there any specific provisions as to the further development of international law.

There were, moreover, many provisions in this complicated covenant which were unacceptable to the American people. Prominent among these was Article X, by which the United States, in joining the League, would undertake to preserve the territorial integrity of every other member against external aggression.

The result was inevitable. The Senate refused to consent to the treaty, and our country still remains outside of the League of Nations. The fact that such a League has been formed, however, among many other nations, and that, even without our co-operation, meetings of the Assembly and Council are regularly held and important action taken, indicates that a substantial advance has been made toward the elimination of war among the members of the League, and however inconclusive may appear all that has been done up to the present time, yet the germ of a World Federation may still be lurking in this organisation, which, like our own Articles of Confederation, may at last lead to "a more perfect Union" for the establishment and maintenance of the future peace of the world.

## CHAPTER XII

### THE WORLD WAR

CHILDREN of liberty, whereso'er ye be,  
Forward to battle till the world is free!  
Come from sturdy England, from heroic France,  
Rise from stricken Belgium; Italy, advance!  
Look! We stand beside you, freedom's eldest born;  
We would share the laurels from the tyrant torn.  
Glorious the gospel comes across the sea;  
On then to battle till the world is free!

—*Children of Liberty.*

### OUTBREAK OF THE STRUGGLE

When the great war broke out I was in Germany, at the baths at Nauheim. I had gone there from Italy about the first of July, 1914, and was there during all the preliminaries of the world struggle. Everything came on with great deliberation. The murder of the Austrian archduke at Sarajevo was followed by a period of silence. The newspapers said the Austrian Government was "investigating," but there was no hint as to what this portended. Then came the ultimatum. There were no great headlines as in American papers; the comment was scanty, but to those who read the text carefully it seemed clear that war was meant. The Germans themselves said that no Servian ministry could yield to such terms and live, but they added that it was not Germany but Austria which had made these hard demands, though of course Germany would finally have to support her ally. Then beyond all expectation, the Servian Government conceded everything demanded which did not involve the relinquishment by Servia of her own sovereignty within her own borders, and even as to this she offered to let the powers or the Hague decide the question. That should have been enough, but Austria had determined upon war. Meanwhile what counsel had been given by Germany to her ally? Was she advised to soften

her conditions or was she assured of aid to wreak her will upon Serbia? On all this there was silence. Austria next declared war upon Serbia, and now the question was, What would Russia do? She had not stirred some years before when Bosnia and Herzegovina were annexed. Would she move now? Few thought it; still the ties of blood were strong. Serbia and Russia were both Slav States, and Russia had been the protector of the smaller kingdom. Could she abandon her ward? In the public press, inspired by the government, the task of Germany was declared to be "to localise the war." That meant to let Serbia be crushed by her powerful neighbour. Soon the Muscovite began to move. Then there was more diplomatic manœuvring until it was announced in the newspapers that the mobilisation of Russia's army had shattered the hope of peace. "War danger" was declared, and the order came to us that all letters must be left unsealed and written in German only; nor could any one talk over the telephone except in that language. In conversing with a friend I used a short English phrase and was instantly stopped by the operator, who was listening at the central office. War was now declared on Russia. Then the demand was made on France that she disclose her attitude, and when the answer came that it would be what her honour and her interest demanded, war was declared on her too because she had not promised neutrality. Notices were then posted on trees and fences and in other public places, of "*Mobilisirung*," giving the time and place for the assembling of those called. Everything else had been prepared long before.

It was announced that regular trains would continue to run for two days, and that afterwards nothing but troops and arms would be transported. Travellers who wished to leave must depart at once. There was a wild scramble to get away. The cabs drove up in lines, loaded with baggage. This became so congested when it reached the Frankfort railroad station that literally miles of it, twenty feet high, were piled upon the long platforms. The cars were so packed that eighteen persons occupied compartments intended for four or six and had to stand jammed together, often all day and sometimes all night.

I determined under these circumstances to wait quietly, finish my course of baths, and take my chances of getting out later,



though it was now evident that we were at the beginning of the greatest war in history. At the end of the two days mobilisation began and all civil traffic was stopped. There were indeed a few local trains, but on these it took three or four days to reach Berlin, only a few hours distant. The mails were practically suspended, and even telegrams from the American Ambassador, of which I received two or three each day, arrived several days after they were sent. I watched the mobilisation. It was a piece of clockwork, moving with chronometer accuracy. Not only had every reservist received his orders months before, but every horse, every automobile with its provision of gasoline, in short, every object which could be devoted to military uses had been catalogued, together with the price to be paid for it. The money needed was on hand, taken from the war reserve. Everything was paid for and instantly seized by the military authorities. I saw horses standing side by side, in a line perhaps a mile in length, which were taken and paid for in this manner. Automobiles were thus confiscated and the owners walked.

The reserves came marching down the streets in citizens' clothes, singing their German melodies, *Die Wacht am Rhein*, *Wenn ich komm, wenn ich komm, wenn ich wiederum komm*, etc. They marched to the fortress of Friedberg, a mile away. Every man's uniform and other belongings were ready in a box marked with his name, and in half an hour all emerged fully equipped, so complete was the preparation.

Tracks were guarded at every hundred yards by armed men in citizens' clothes, and wearing white bands around their arms to show that they had been detailed for this purpose. At every bridge there was a squad of them, and at the stations a still larger number. Then the military trains started, trains of interminable length, freight cars, passenger cars—everything possible was utilised. These trains were packed with troops and passed every few minutes for a week. I stayed awake one night hearing them go by, it seemed to me unceasingly; more than one hundred and fifty passed in a single day. The troops were cheered as they went by singing their patriotic songs, and on many of the cars were banners marked "*Nach Paris*." Notices were posted asking the women to come with food to the station at certain

hours; and they all came with their baskets. The contents were spread along the platforms on improvised tables, and the soldiers ate and drank during a half-hour's wait. After the first week of mobilisation I was told that five millions of men had been placed under arms or sent to the front. I do not know how accurate were the figures, but they could not have been greatly exaggerated since it was announced in the press that one million two hundred thousand volunteers had been enrolled, besides those already liable for military duty. It was astounding to see how in a few days a great country could be stripped of its men. The waiters and the porters at the hotel, the men in the shops, the cabmen and the farmers, all disappeared, until the streets began to look deserted. The bulk of those who remained were the women, the children, and the aged. Business was largely at a standstill. The important industries at Frankfort were discontinued, and most of the furnace fires were out.

At the outset of the mobilisation it was announced that the country was infested with French and Russian spies, and the search for these began. Many poor devils were dragged along the streets, followed by crowds of hooting boys, and as a wholesome warning some were shot. We could not go from one town to another without being searched half a dozen times. Some of us had to go to Frankfort to secure passports. We had to get passes from the police before we could stir a step. It was hard enough to secure an automobile from among the few that remained, and although Frankfort was less than thirty miles away we were stopped eleven times by military guards, and our machine was twice searched to see that no explosives were contained in it.

Up to this time there was nothing in the newspapers or in any information which was allowed to reach us that Germany was in any way responsible for the outbreak of the war. She was simply supporting her ally, Austria, and resisting the threat caused by the mobilisation of the Russian army.

But now we heard of the demand made on Belgium to violate her own neutrality and give free passage to the German troops. She must reply at once, and she obstinately refused! Here was a great empire at bay, with foes on either side, and her small

neighbour withheld this trifling favour! Belgium was, therefore, invaded, and when some shameless Belgians fired at the German troops from roofs and windows, their cities were destroyed, cathedrals and universities razed, homes pillaged, and the people lined up against walls and shot. Did they not deserve it? True, the chancellor admitted that international law was broken, "but with the empire fighting for its life, it must hack its way through."

It was this invasion of Belgium that first opened our eyes to the guilt of Germany. And now England, who had guaranteed Belgium's neutrality, joined with France and Russia and declared war. At this the German press and people howled with rage. It was all a vile pretence on England's part. Her motive was sheer envy. She wanted to suppress a business rival, and for this she was willing to break her ancient ties of kindred and friendship, all for "a scrap of paper." Then the English guests at Nauheim fell under the ban, and their apartments and their baggage and belongings were searched; all were forbidden under the heaviest penalties to go near the railroad or the station or even walk through the neighbouring forest. Everybody was forbidden to give any information on any military event or transaction, so I refrained from writing down from day to day the things I saw, lest a search made among my papers might afterwards prove embarrassing.

Ordinary communication with the outside world had practically ceased. My wife was in England, one daughter, with her family, was in Calabria, in Italy, another was in Paris, and two of my grandsons were in Brittany. I could not get word to any of them, nor could they to me. This isolation continued for weeks. Letters of credit were not honoured, and I could get no more money. So I left my hotel and sought a cheaper lodging house. Finally it was announced that seventy-five dollars a week would be paid on checks of the American Express Company, and I went to the local bank early every Monday morning to accumulate what I could for what might be an indefinite stay. I thus gathered quite a little sum in German money, which nobody would take after I had crossed the border. We were held up in this way for about a month and were finally sent out of the country through Holland on a special train made up for Americans.

During the entire mobilisation there was no intoxication, no debauchery, no bravado. The temper of the people was remarkable. There was not a word of grumbling, and however they might regret the war they showed no impatience. They were absolutely a unit behind the Kaiser. I saw indeed tears in the eyes of a grey-haired cabman, who told me that his only horse was taken and that he was too old to follow any other business. Another poor fellow sighed as he told me of his little children who had no support now that he had to go. But there was very little even of such expressions as these. I heard of an old woman who was carrying a heavy burden but stumbled and fell under the weight; some one who aided her told her it was too much for her. She said it could not be helped, for her three sons had gone to war and there was no one else to do the work, and she added, "I pray they may come back, but if not I am glad to give them all to my country." On the part of every one there was perfect confidence that victory was sure.

The slightest wish of the military authorities was cheerfully obeyed. A bulletin appeared asking all to refrain from drinking, and it was observed to the letter. The papers announced that news would be censored and that nothing would be published against the interest of the country; but that it could be counted on that everything printed would be strictly true. Everybody acquiesced without a murmur. Of course the half truths contained in such publications were misleading.

From Holland I passed on to England. There the newspapers contained much more information, but it was perhaps as misleading as the German silence. The people did not seem to consider the war a very serious matter. Russia would soon overwhelm Germany on the east, and the one hundred and sixty thousand men which England had despatched to the Continent would settle the matter on the French frontier. I told some of my English friends that their contingent was trifling in comparison with Germany's armament; that Germany had put millions in the field; that France would be invaded and much of its territory overrun. They would not believe me. I insisted that the newspapers had been deluding them with false hopes and that they were living in a fool's paradise. They were raising recruits

by volunteering, a hundred thousand at a time. I observed that this was a ridiculously small number, that the recruits would need long training, and that a general conscription would soon be found necessary. "Impossible!" they answered. "It would be repugnant to English liberty and to all our traditions to raise armies in this manner." I answered, "Then you cannot win the war." The event proved that conscription was inevitable.

The things I had seen showed me plainly enough how hard it would be for the Allies to resist the aggressions of Germany, and I was impressed with the conviction that my own country might well be involved in this great war before it was concluded, and that it was our first duty to be prepared, that the price of safety was to arm our people and to train them for service.

#### PREPAREDNESS

We sailed for home near the end of September on the ill-fated *Lusitania*. Even then there was danger from submarines, and the lights on the vessel were extinguished. When I arrived in America I found there was even less understanding than in England of the gravity of the struggle. On reaching Indiana I spoke and wrote of what I had seen and tried to arouse public sentiment as to the need for preparation. Although there was strong sympathy for the Allies, the feeling of the country in favour of peace, encouraged by the President, who had urged the people to be neutral even in thought, was all but unanimous and prevented active preparation. The song, "I Didn't Raise My Boy To Be a Soldier," had great vogue. An "Anti-Enlistment League" was organised. Very few seemed to think it possible that we should become involved. There was indeed some agitation on the other side. The National Security League did much to arouse the people to their danger. I myself took part in the movement for preparedness, first by speeches in my own local community, and then by communications to the press in various parts of the country.<sup>1</sup>

<sup>1</sup> One of these communications, addressed to the Indianapolis *Star*, in January, 1915, was as follows:

"The advocates of peace take the occasion of the present war to

John W. Kern of Indiana, the Democratic leader of the Senate, published an interview deprecating all preparation. We were quite safe, he said, and there wasn't any use in spending money. I wrote to him remonstrating vigorously, but quite ineffectually, and later he became amusing in his suggestions. It occurred to him, he said, that we could save by using the uniformed bodies of various fraternal orders, the Knights of Pythias, the Ancient Order of Hibernians, the Knights of Columbus, and other organizations. They looked good to him on parade, and he wanted them trained for national defence. Of which *Life* remarked:

"Some informed person should take Senator Kern by the button and explain to him how very much difference there is between modern war and a lawn party."

The Progressives were just as badly steeped in the prevailing indifference as the members of either of the old parties. Early in December, 1914, a conference had been held in Chicago at the call of the executive committee. There were representatives

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reinforce their doctrines in favour of disarmament and non-resistance. It was the immense armaments of Europe, they say, and the war spirit which these armaments created, that led to the present cataclysm. Therefore, military preparation is all a mistake and we ought to be as helpless as possible and thus give a shining illustration of our peace principles to all the world.

"Could any logic be more fatuous? If indeed all nations would disarm we should then be as safe as any. But they will not disarm. If either Germany or the Allies win, is it conceivable that the victor will throw away the means by which alone he has preserved his very existence? . . .

"We know from Bernhardi's book and from many other German sources what is the goal of German ambition. It is world dominion; and after her domination of Europe is complete, what better field on her path to universal power than the United States, where so many of Germany's sons already live, who have been hitherto largely sympathetic with her purposes?

"But could the Germans subdue a country like America? If they could control the seas, then our navy, our merchant marine and our great seaboard cities would be at once at their mercy, and with their magnificent equipment in artillery and other implements of destruction, a few hundred thousand of their splendidly trained men could subdue

from thirty-four of the States. Mr. Murdock of Kansas urged support of the President in his efforts to maintain neutrality and peace. There was also much talk of the necessity of nominating Roosevelt, in 1916, and of taking the tariff out of politics by means of a scientific commission, but not one word was said about the need of national defence. I was ill and left before the end of the session, much disappointed.

On December 9, 1914, after my return home, I thus wrote to Mr. George W. Perkins, chairman of the committee:

"If we confine our attention to the tariff in the present crisis, it seems to me we should be following a wholly wrong scent. The question at this moment is the question of our national defence. If we are indifferent to that, in what may become the critical period in our history, the country may very well become indifferent to us."

I wrote the same thing to Theodore Roosevelt, who agreed and answered that Wilson, Bryan, and Daniels represented the nadir

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any part of America they chose and levy such tribute for the continuance of the war as to make our ultimate subjugation only a matter of time. When Germany levies its scores of millions upon impoverished Belgium, what scores of billions would be necessary for the redemption of New York, Boston and Philadelphia? Such an outlay might be more expensive than the cost of the armament so greatly deprecated by our pacifist friends. The little army we have to-day and all we could then raise would be crushed in a single campaign. We have neither sufficient equipment, guns nor ammunition, with which to defend ourselves. It would take years to manufacture the cannon and other appliances necessary for our defence, and now we are wasting the golden moments when the belligerents are busy with other things, the moments which are absolutely indispensable to our future security. . . . It is all folly to talk about the tariff or mere economic questions when the very life of our republic may be at stake. Our business is to prepare for emergencies at once.

"It is said that the people of Tarentum, when the foe was at its gates, were engaged in disputes as to the choral measures in one of the plays exhibited in the great theatre of the city. Speedy destruction followed. Let us not be like the people of Tarentum. Let us not wait until the foe is at our gates."

Although this letter received favourable editorial comment, it apparently made little impression.

of misconduct in reference to national defence. Mr. Perkins answered rather ambiguously that he doubted if the people had yet realised the enormous changes which the European war was bound to bring forward. We were as a party to keep our powder dry, our lines well formed, and be ready to give the country the best possible service. I answered that to speak of keeping our powder dry and our lines well formed, when we had not a word to say on this important subject, was to act like the Bell and Everett Party in 1860 in ignoring the slavery question, a policy followed by its early dissolution; that for myself I expected to co-operate with that party that gave the best assurance for providing for the national defence. It was my belief that the organisation which took no thought of this would soon pass out of sight and out of memory. I sent a copy of this letter to Mr. Roosevelt, who answered that he thought exactly the same thing; that adequate preparation was an issue more important than any other question and that Progressives who backed Wilson in his so-called neutrality policy were doing a very serious damage to the party. Mr. Roosevelt was at this time engaged in an active propaganda in behalf of preparedness. His agitation was the first powerful agency in awakening the country.

On January 29, 1915, I spoke at a dinner of Progressive leaders in Indianapolis. President Wilson had recently visited that city and had made a partisan speech at Tomlinson Hall, declaring that the Republican Party had not had a new idea for thirty years. He had observed that he liked to "breathe the air of Jackson Day," apparently unmindful of the fact that Jackson at New Orleans had stood for the defence of the country, while Mr. Wilson had said nothing and had done nothing toward providing for our national security. I criticised this inconsistency and added:

"There is to-day a wave of midwinter madness sweeping over large numbers of our citizens who insist that it is our duty to remain disarmed and by our helplessness to give a shining illustration of our peace principles to all mankind.

"Mr. Carnegie tells us that those who demand security against foreign aggression are as bad as the man who wanted a lightning rod put up over his back when he walked through the streets, and that the farmers of our country, coming together without artillery or other arms than



their shotguns, could overcome the disciplined troops that any power in the world might send against us.

"I expect," I added, "to vote for that party and that candidate that gives me the strongest assurance that our country shall be defended. If the Republican Party is the only one which can supply it, I intend to hold my nose and vote for any unregenerate rascal it may nominate if he is the only man who gives me such assurance."

Those who were there responded enthusiastically, yet the great body of our people were still asleep. It was uphill work, this demand for a suitable armament.

Roosevelt's efforts throughout the country were indeed beginning to produce an impression, but so far as the Progressive organisation was concerned little was done.

On February 22, Washington's birthday, I was asked to deliver an address at Anderson, Indiana, and after quoting his advice to Congress urging military preparation, I declared that it was an empty service to honour and praise the Father of our Country and yet to repudiate his counsels. Would he not look down in solemn reprobation upon the unworthy descendants of the veterans of Bunker Hill and Valley Forge and Yorktown who had taken so little thought to preserve the precious inheritance which he and his companions had bequeathed?

I addressed several other meetings to stir up public opinion in favour of preparedness, and delivered at the State House in Indianapolis the Centennial Ode on the hundredth anniversary of Indiana's admission to the Union. In this too I urged the importance of preparing for the struggle which confronted us.

Gradually, however, the knowledge of our danger began to permeate the consciousness of the people. Even the President seemed to be becoming aware of it, and in New York, on January 27, 1916, he began a series of speeches in favour of preparedness, saying, "I would be ashamed if I had not learned something in fourteen months," and suggesting the possibility that the United States might be drawn into the war. In Cleveland he declared the country must prepare as promptly as possible, because he could not tell what another day would bring forth, and in St. Louis, "I assure you there is not a day to be lost."

This was the year of the Presidential election, and the three

parties, including the Progressives, now all advocated preparation. Yet the re-election of Mr. Wilson was very largely due to the feeling that he had "kept us out of war," and would still continue to do so. This, however, was soon found to be impossible, and shortly after his inauguration war was declared.

## THE CONSCRIPTION BOARD

When America entered the struggle I did what little I could to help. I had offered my services to Mr. Roosevelt in case he could use me in connection with his proposed expedition to France. But as he did not have an opportunity to go, nothing came of it. Naturally a man nearly seventy years of age cannot enter the military service, so I had to content myself with such work as I could do at home. I took part in the "drives" for Liberty loans, Red Cross and the like, and I was appointed Government agent for our local conscription board. At the request of this board I was present at its daily sessions and acted as its general adviser, scrutinising the lists and examining the witnesses and documents. I thus had ample opportunity to see the practical workings of the conscription law.

Considering the immense number of men who had to be drafted by means of an organisation suddenly created and composed of men who had no knowledge of military affairs, the system developed by Provost Marshal General Crowder was admirable. There were many mistakes, especially in the beginning, but the work as a whole was done far better than we had a right to expect.

To prevent fraudulent claims for exemption I caused the lists to be published in the daily papers as they came up for consideration, together with a notice calling upon all citizens to give information of anything showing that an exemption made by the local board was improper. I received some letters in answer to this publication, but in proportion to the entire number the cases alleged to be fraudulent were very few. I also went over the lists with the chief of police and with a number of persons who had a wide acquaintance throughout the county, and I examined the tax duplicates to see whether the persons who

were said to be dependent had other adequate means of support.

Richmond was originally a Quaker community, and there were still many Friends living there and in the adjoining country. Naturally one would expect that there would be large numbers of persons who would claim exemption on the ground that they belonged to a society whose tenets forbade taking part in war. The number of these cases, however, was extremely small, not more than a score or two in all, and when these men were assigned to non-combatant duty there was little difficulty. Indeed, many Friends volunteered for general military service, and there was an active propaganda in the Society for doing reconstruction work in France. Despite the occasional hardships of conscientious objectors elsewhere, the policy of the Government was in the main wise and salutary. The fact that criticisms came from both sides, those on the one hand claiming that the rules were too strict, and those on the other insisting that they were not strict enough, was itself pretty good evidence that the Government had adopted the golden mean. There were very few cases in my experience where conscientious objections were used as a mere pretence for avoiding the draft.

The fraudulent claims for exemption were upon other grounds. One man who wanted to get off because his wife was dependent, was sued by her for divorce on account of inhuman treatment. Another man got from a neighbour a child whom he adopted and then claimed exemption on this ground. But even such cases were infrequent and usually unsuccessful. The general attitude of the registrants was creditable. There were not many who were eager to go, but the feeling was, as some of them expressed it, "When my turn comes and my country needs my services, I'm ready and I'll do my duty." Perhaps that is a better augury of enduring courage than mere enthusiasm at the start. Certainly these men did credit to their country at the front.

At a later period a form of questionnaire was adopted, by which the men were not actually discharged, but were placed in different classes, to be called in the order in which they could best afford to go, without inflicting unnecessary hardships upon dependents or upon the industries of the country. The questions were admirably devised, and they elicited the most necessary information

in an automatic manner, leaving little to the discretion of the boards.

The bulk of the work had been finished, when in the latter part of April, 1918, I asked to be relieved from further service on account of illness.

## CHAPTER XIII

### JOURNALISM AND LITERATURE

"WHY dost thou come so late?" enquires the muse;  
"More blithe the song when he who sings is young."  
But I protest, "'Twere folly thus to choose;  
Is not the ripe fruit sweetest to the tongue?"  
—*The Muse and I.*

#### JOURNALISM

I have dabbled a little in journalism. In college I was one of the editors of the *Cap and Gown*. After moving to Richmond in 1876 I bought an interest in the *Palladium*, then the principal daily in the district, and used to write a certain share of the editorials, but differences arose between my partner and myself in regard to the political policy of the paper, and my interest was finally sold to him.

A new daily which arose during this period, the *Evening Item*, afterwards became for a time the leading paper. In 1901 I bought a half interest in the *Item*. The other owner, Mr. J. Bennet Gordon, a vigorous writer, continued for some years in charge of the editorial management, though I sometimes contributed. Afterwards I became the sole owner of the paper and edited it myself. The *Item* advocated Progressive principles and supported the policies of Theodore Roosevelt.

#### LITERARY INTERESTS

In earlier years I had been too busy with other things to give much time to general literature. But I was fond of this kind of work, and after withdrawing from the bar there was more leisure available. The next place but one to our home was "Reeveston," the home of Mrs. Foulke's parents and of her brother, Arthur M. Reeves. He was a man of scholarly attain-

ments who had made a special study of Norse literature and had collected a valuable Icelandic library of several thousand titles. He spent a long time in Copenhagen, examining, translating, annotating and phototyping the ancient Norse manuscripts in the Arna-Magnæan Library which narrated the Icelandic discovery of America. The result of his work afterwards appeared in a quarto volume published by the Oxford Press entitled "Wine-land the Good."<sup>1</sup>

My intimacy with my brother-in-law was a close one. We had travelled much together in Europe, and his broad scholarship, his literary tastes and his unerring sense of the beautiful had made him a delightful companion. I had not, up to the time of his death (in 1891) published any literary work, except a monograph on Russia. But this association and our reading and literary discussions stimulated greatly my fondness for literature, and I began to write books on a variety of subjects—history, biography, criticism, fiction and poetry—scattering, I fear, a rather limited amount of talent over too wide a field. Most of these books owe their existence to accident rather than to any systematic design.

The first of these, "Slav and Saxon," has been already mentioned.

#### LIFE OF GOVERNOR MORTON

When in the Legislature I became the friend of Oliver T. Morton, the youngest son of Oliver P. Morton, war governor of Indiana. He spoke of his regret that there had been no adequate biography of his father and asked me to undertake the work. As I looked into the subject it began to interest me greatly, and I decided to do so. Governor Morton, who was born and reared in Wayne County and practised law at Centreville, the

<sup>1</sup> On his death his library passed to my eldest daughter who proposed to follow up her uncle's researches and spent a year in private study at home under an Icelandic instructor. She afterwards visited Iceland, and then attended lectures at the Royal University of Copenhagen, studying the Norse language. Other matters intervened, however, to prevent the prosecution of these studies, and the library, after being stored for years, has now been sent by her as a gift to the University of Louvain.

county seat, had been very well known in the community in which I lived and it would be easy, I thought, to secure the materials for his life. The task, however, proved to be a long and arduous one. Very little of his correspondence had been preserved, and the materials for the biography had to be collected largely from newspapers. Morton had been a strong partisan, was ardently supported by the Republican press and viciously attacked in the Democratic press, but by comparing all that appeared on both sides it was not hard to give a reasonably impartial estimate of his career and character. I was engaged in this work intermittently for more than ten years.<sup>2</sup>

Two episodes were published as magazine articles before the volumes themselves appeared, namely, "The History of the

<sup>2</sup> I had the benefit of much valuable criticism from those who were intimately associated with Morton. The following letter from W. P. Fishback one of the leading lawyers of Indianapolis, who had been closely connected with him when he was governor, is an illustration.

INDIANAPOLIS, IND., Jan. 18th 1896.

DEAR MR. FOULKE:

The Bowen-Merrill Co. have given me the first nineteen chapters of your life of Morton, and I have read them with great interest. It is requested that I make "suggestions" in the way of cutting down the bulk of the narrative. . . . There is great difficulty to me in this. The theme is a great one and Morton's stature as a man is greatly increased by the way you present him. He is thoroughly living in your pages. As Emerson said of Montaigne's writing, the words seem alive and the feeling is that they would bleed if you cut into them. Now will the interest I feel be shared by the public who ought to read this book? It covers a momentous period in our history, and the danger and temptation in writing about Morton is to write the history of his time. A biography will not bear that weight, even one so interesting as this—such is my fear. I have accordingly suggested that men like Judge Perkins, John Elder and John Harkness be left out except when it is necessary to name them. I remember all the incidents mentioned—the oath of allegiance, etc.

Another thing: I think you should select Morton's great speeches, such as that at Rushville, and give them in full and condense others. You cannot give them all in a biography. So of his letters and other documents, which might be abridged.

I notice by the erasures that some one, yourself probably, has gone

Knights of the Golden Circle," in the *Atlantic Monthly*, and an account of a secret mission to Louis Napoleon, which was entrusted to Morton by President Johnson when Morton went to Europe. The mission was to inform the Emperor that the French troops must be withdrawn from Mexico, a thing which the President did not wish to communicate through diplomatic channels lest the record might cause the French Government unnecessary embarrassment. This account was published in the *Century*.<sup>3</sup>

After the book was published I kept receiving complaints from the relatives of different persons mentioned in it—that I had failed to do justice to the memorable deeds and high purposes of their respective kinsmen. I suppose this is inevitable when a writer criticises frankly the men and things that he thinks deserve it. In one instance I was satisfied I had done an injustice and directed that a page should be removed and another substituted. But in all other cases I refused to make any change.

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over the manuscript and used the erasing pencil quite freely, and it is difficult to find much that can be spared. For myself, I would keep it all, but you have to think of the large public. "Morton's Life" ought to be in every home in Indiana. He is the single great historic figure of our State.

Sincerely yours,

W. P. FISHBACK.

<sup>3</sup> It was doubted at the time by many and was denied by John Bigelow, our minister to Paris, who, however, knew nothing about the facts. The accuracy of the account appears from the following letter from the Hon. R. R. Hitt, who was Morton's private secretary when he was senator, and who was afterwards in Congress and prominent on the Committee on Foreign Affairs. The letter refers to a visit made by Hitt during Morton's last illness at Indianapolis.

May 18, 1897, WASHINGTON, D. C.

WILLIAM DUDLEY FOULKE, ESQ.,

RICHMOND, INDIANA.

DEAR SIR:

Your article handles the matter accurately. . . . I stayed with Morton from early in the evening, when the car arrived bringing him from Richmond, until into the morning hours—two or three o'clock—



## "MAYA"

A few years later I was at work upon another book whose origin was quite casual. I had been travelling in Yucatan and had become interested in the ancient Maya civilisation, whose remains were scattered over that peninsula in the ruins of cities, palaces and temples. I never visited a country which affected me more profoundly, and the ruins were all the more interesting because so little was known of the people of whose civilisation they are almost the only records.

Some time after my return it occurred to me that my impressions of Yucatan might be better conveyed in a romance than by a mere descriptive article and that Prescott's account of certain castaways, captured by the Mayas about the time of the discovery of the country, some of whom were offered to the gods in sacrifice, might be used as the starting-point for a story of adventure, which should embrace many of the scenes of the

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when I had to take the train on my way to Paris. I never saw him again.

My recollection goes a little further than your article. As to Johnson's conversation with Morton being his exclusive instructions—Morton had every reason to believe Mr. Seward knew nothing of the President's instructions to him—the impression I had from Morton was that Johnson did not feel satisfied with the methods of Seward. I am perfectly clear in my recollection that the whole matter was by direction of the President, carried on without any knowledge on the part of Mr. Bigelow.

The interview with the Emperor was, as I understand, soon after meeting with Rothschild, who arranged the conference. In it Mr. Morton, for the President, told the Emperor plainly the state of national feeling in the United States against the French occupation of Mexico, and that the inevitable, final result must be evacuation; that prolonging the occupation was in every way unadvisable and would lead to deplorable conflict. . . .

The Emperor said he appreciated all this; that he had secured already the avowed objects of the expedition for his subjects and would soon take steps which would avoid such complications with us as those the President deplored.

Very truly yours,

R. R. HERR.

ancient Maya civilisation. The plot developed as I wrote. I am not conscious that any part of it was taken from other sources. The legends are genuine and the descriptions of the country are accurate, but outside of these the story is entirely imaginary.

**"PROTEAN PAPERS"**

"Protean Papers" was "simply a piece of literary fooling" (as one of the reviewers said to me) on such disconnected subjects as "Spellbinders," "Mountaineering in Mexico," "My Dog," etc., with passing observations on "The Economical Acquisition of Royal Ancestry," "The Frailties of Literary Criticism" and "The Disadvantages of a College Education." It never had a large circulation.

**"HISTORY OF THE LANGOBARDS"**

In 1904, while living in Venice for some months, I fell so deeply under the spell of that wonderful city that I wanted to write its history, and I went each day either to the library of St. Mark's or to the Church of the Frari to examine some early manuscripts and documents. I also collected a large number of works on the history of Venice from among the old book-shops of the place and began to arrange the materials for my first chapters. These related to the settlements on the islands of the lagoon and to the establishment of popular institutions during the dim and uncertain period before the creation of the dukedom and the oligarchy. But as the subject gradually unfolded, and the enormous research required became apparent, it was evident that the rest of my life would have to be given to that task alone if it were to be done adequately, and that the work even then would probably be left incomplete. I therefore gave up so ambitious a project in favour of something more modest. I had come across an attractive book written in Latin by Paul the Deacon, a Benedictine monk, during the reign of Charlemagne, "The History of the Langobards." In his garrulous story-telling he seemed to me a sort of mediæval Herodotus. His history had never been done into English, and it seemed worth while to translate it with explanatory notes and a biography of the author. The book was

published in 1916 in a historical series issued by the University of Pennsylvania. Quite apart from its value as a source of mediæval history, Paul's quaint and simple narrative has a charm of its own and is fitted for the entertainment of the general reader as well as of the student.

"DOROTHY DAY"

A variety of incidents which occurred in my boyhood, illustrative of the customs and modes of thought of the Society of Friends, seemed worth preserving, and I did this in a novel, covering a period just before and including the Civil War, when the peace principles of the Society came into conflict with the patriotic feelings aroused by that struggle. Some of the stirring scenes of this war were brought into the chapters of the story. In this way was written "The Quaker Boy, a Tale of the Outgoing Generation as Chronicled in the Memoirs of Robert Barclay Dillingham." This was first published anonymously and then appeared in a second edition in 1911, under the title of "Dorothy Day."

"MASTERPIECES OF THE MASTERS OF FICTION"

I once determined, instead of reading any new work of fiction, to review the masterpieces I had most enjoyed and see what changes time had made in my impressions of them. Choosing some forty of the most celebrated authors, from Rabelais and Cervantes down to Tolstoi and Stevenson, and omitting only those who were still living, I selected for criticism one story by each, which should represent his best work. These were read one after another in the shortest time possible so as to get a comprehensive notion of the whole. Thus the general perspective and the comparative merits and faults of each work might appear more clearly than in any other way. The observations made upon this second reading were thrown together in a book entitled, "The Masterpieces of the Masters of Fiction," published in 1912.

"FIGHTING THE SPOILSMEN"

There was one book, however, whose origin was not accidental but represented half a lifetime of effort, not in the writing, but in

doing and observing the things described. This was "Fighting the Spoilsmen." It consisted mainly of reminiscences of the Civil Service Reform movement after the passage of the Pendleton Act of 1883. The history of this reform in England had been given in Dorman B. Eaton's standard work on the Civil Service in Great Britain; the pioneer efforts in America were recorded in the report of Thomas Allen Jenckes and in the speeches and writings of George William Curtis and Carl Schurz. I continued the story down to the entrance of America into the World War. I had been in the thick of the fight with Curtis, Schurz and Eaton and had been in charge of many investigations conducted by the National Civil Service Reform League. I was also a co-worker in this movement with Theodore Roosevelt, who afterwards appointed me to a place on the Civil Service Commission. In this volume I detailed the progress of the reform and the incidents of our struggles with the spoilsmongers so far as these had come under my personal observation.

## POETRY

Except for a few rhymes in college, it was not until I was sixty that I gave any attention to the writing of verse. In 1908, while taking a course of baths at Nauheim, Germany, and having plenty of leisure, I employed it turning into verse my romance of "Maya," written about eight years before. I first intended to write a libretto, but the work expanded quite beyond the limits proper for such a production and developed into "Maya, a Lyrical Drama," which was published in 1911. It is not, however, adapted to ordinary dramatic representation.

In 1913 I was abroad again and was quite ill. I had purchased a volume of Petrarch's poems in Italian, and during the following months at Rome, Lugano, Nauheim and Grindelwald, in the long periods when I was confined to my room and often to my bed, I amused myself by reading and re-reading these poems and turning the sonnets into English sonnets, and the odes, sestines and madrigals into corresponding English rhymes. The game was an attractive one and whiled away many tedious hours. It is astonishing to find with what facility such work can be done when you get

into the swing of it, and I found myself able to transfer at least a part of the wonderful beauty of these poems into the English tongue. This book was published by the Oxford University Press in the following year, and the reviews were so favourable that I was tempted to go further and write some short poems of my own. Many of these appeared in the Indianapolis *Star* and afterwards in "Lyrics of War and Peace," published in 1916 in England by the Oxford Press and in America by the Bobbs-Merrill Company of Indianapolis.

Four years later and after the conclusion of the war I issued another volume of much the same general character, entitled "To-day and Yesterday." This was published in 1920, also by the Oxford University Press. In these verses there will be found little to appeal to the admirers of the "new poetry" as it is called. The idea that there must be developed something radically different in the poetry of the future from that of the past seems to me entirely fanciful. Who was it said of a certain work that it contained some new things and some good things, but the things that were new were not good and the things that were good were not new? Something like this could well be said of much of this "Poetry of the Future."

Indeed, Indiana writers in general have not followed the excesses which became among certain circles elsewhere the fashion of the twentieth century. There was a homespun quality in story and in poem, a rustic but sharp thrust in cartoon and jest, which made pose unwelcome and sincerity popular. "New Art," whether it took the form of wild orchestration, futurist pictures, or imagist poetry, made little headway, and while new fashions are sure to have some followers everywhere, Indiana taste has, up to the present time, instinctively preferred the homely appeal of Riley's poetry to the extravagances of the futurists. Riley himself had no patience with the pretensions of the new school.

## CHAPTER XIV

### PERSONALIA

Two kinds of sorrows vex our lives with care,  
Things that we can, and things we can not mend;  
If we can change them, why should we despair?  
And if not, why our days in torment spend?  
For beauty is around us everywhere,  
In the blue sky or cloud, at noon or night,  
And glory fills the heavens, and earth is fair  
Whether its mantle be of green or white.  
Whence cometh joy? On many a pampered son  
Life has bestowed her richest gifts in vain,  
While from some crippled, poor, neglected one  
Come songs of cheer and smiles that banish pain.  
The wellspring is within, to curse or bless;  
In our own hearts is grief or happiness.

—*Happiness.*

See *infra*, p. 223.

### WHIMS AND FANCIES

On one occasion, at a summer hotel (I think it was at the Delaware Water Gap), there was a grey-haired German gentleman who looked like a professor and who carried with him, wherever he went, a small net, such as children use for catching butterflies. And this indeed it was, and he carried it for just that purpose, for wherever he might happen to be, whether strolling among the hills or sitting upon the veranda of the hotel, as soon as he spied one of these gay summer beauties he would chase it with boyish eagerness. Once he sprawled upon the floor of our general assembly room in his mad pursuit of a particularly valuable variety called "The Queen of the Night." I asked if he were a naturalist, and if these efforts were in behalf of science. "*Nein*," he answered (for he had come to America to chase butterflies without the knowledge of a word of English). "*Nein, es ist nur Passion.*"

The other guests were sympathetic, and we all rallied to his support in his wild scrambles after the bright-winged flutterers.

This butterfly madness is only an illustration of a weakness common to us all. Who is there that has not his "*Passion*"? We may be shamefaced about it and keep it from the knowledge of men, but some such folly lies hidden in the recesses of every heart.

Now my "*Passion*" was for mountains. I have seldom gone to any new place for a summer's outing without wondering what mountains there might be in the neighbourhood, how high they were and whether they were worth a climb. In comparing the various ranges and peaks, mere height had an indefinable charm for me. Thus the Irish and Scotch mountains, with the beautiful landscapes around them, set as delicately as pictures in enamel, were not as attractive as the Rockies or the Alps, while the seventeen thousand feet of Popocatepetl was long the Mecca of my dreams, and when that had been scaled, there came a longing for Chimborazo or Cotopaxi or the Golden Throne. I studied the tables of comparative elevations in the geographies with an interest like that which a politician feels in figuring out electoral majorities, and when travelling, no matter where, if there were a mountain near at hand, I would start from the inn the very first moment possible for a scramble to its summit. Talk not of yachting or motoring, nor of incredible catches of great fish; show me no trophies of big game; speak not of golf, that unnecessary stimulant to profanity! What are such things to the lover of the mountain?

True, there was some sport in canoeing, winding in and out through streams and inlets and enjoying the silent strokes of the paddle and the smooth gliding of the light craft over the clear still water; and there was another delightful exercise—a long-distance swim of a mile or more along the coast, when you rise and fall with the big swells, conscious that you can place your body in any position and glide quietly through the cool water. Hunting was not such good fun, but the reason was not hard to find. I used to go on occasional expeditions to English Lake in northern Indiana, and one day, after my pusher had laid out for me a fine decoy and had made an elaborate blind of bushes where I was securely hidden, flocks of wild ducks swept across in front of me, and during the day I brought down eight or ten of them.

This I thought was doing pretty well, though I had missed many more than I had shot. But as the pusher rowed me back to the clubhouse he said in discouraged tones, "I kin take a man where ducks is, but I kain't make him hit them ducks." I have done little hunting since.

I was not much better with the rod than with the gun. My companions once declared that after I had got a salmon on the hook I proceeded to march down the stream with the rod over my shoulder and the fish tugging behind until he broke the line.

A stroll through the woods or along the beach with some congenial soul was quite as much sport as hunting or fishing. The family used to spend the summer at Watch Hill, where there was always good company. The most delightful of all companions was David A. Wells, the political economist. He and I used to walk regularly a mile or two along the shore to a wreck that had been tossed up from the sea, and we devoted ourselves assiduously to an attempt to burn it. One day we would kindle a fire which would destroy some small part of it and then go out. Next day we would kindle another and so all through the summer, but when we left in the fall it was still mostly unconsumed. But the problems of government we discussed on our way to and from the wreck and the wealth of illustration exhibited by this eminent man in the development of his economic theories—these things are a joy in the remembrance.

It was at Watch Hill that I learned to ride a bicycle. Mr. William P. Anderson had a cottage there and was taking lessons from a certain cadaverous looking "professor" at Stonington, and he asked me to join him. The scene of our instruction was a little triangular plot of land bounded by three roads, in front of the railway station. The "professor" would run along with us, hold us on for a few moments and then leave us to our fate, and the accuracy with which we tumbled into the ditch at the side of the road was past belief. When his instruction began there was generally nobody near, but as we continued, the passengers to and from the different trains stopped to see the fun, and the temptation to stay was irresistible. Some of them would miss their trains rather than miss such sport, and before the "lesson" ended there was a formidable crowd gathered around us



which broke every now and then into uproarious laughter at our discomfiture. Never were two such awkward men before, but we kept at it and when the "course" was completed we had learned to ride.

Now with advancing years I have had to give up many of the forms of exercise in which I once delighted. I can no longer climb a very high mountain, nor swim any great distance. Horseback riding, in which I was at one time so expert that I could ride standing on the horse's back, now has to be of the tamest variety with a perfectly tractable and well-gaited animal; no racing, nor jumping, nor adventure of any sort. Tennis had to be eschewed altogether, and golf was abandoned some time ago. As Joseph Choate said, "When we grow old we have to jettison one thing after another in our cargo in order to save what remains."

The main thing is to abandon these things without regret. There is still a great deal left. The woods are as green, the streams as sparkling and the sunsets as bright as ever, and the old man can enjoy these even better in later years than in the flush of youth or prime of manhood when he has so much else to claim his attention. The venerable Mark Hopkins of Williams College once said to me that the happiest time of his life was his old age, and in the absence of positive distress from sickness or other cause it ought to be so with all. The twilight is more tranquil and filled with greater charm than the day.

Some of the supposed advantages of mature years, however, seem to me rather the reverse. Old age, it is said, enjoys the benefits of experience. These are indeed often great, yet in one thing experience is not a benefit but a drawback. The young man imagines that he is completely the master of his own will, that he can form any new habit or break off any old one and so control his desires and his conduct as to accomplish (so far as it depends on his own action) anything he sets out to do. But the years take away a good deal of this confidence. The old man is not so certain. The memory of the times when he has not been able to say the thing he meant to say or to do the thing he meant to do is sure to subtract something from that reliance upon himself which is the groundwork of the highest success in human endeavour.

## SOME BUSINESS EXPERIENCES

My father's profession as a teacher and a minister of the Society of Friends had removed him from any close connection with the financial world. He had, however, been fortunate in his investments. He once said to me, "My son, I buy these securities when they are low. I hold them till they rise in value and then I sell them." How simple!

Thus it was that my business training was of the most rudimentary character. A few months in a commercial college was all the instruction I ever received. I never considered myself a good business man, having had just about judgment enough to hold on to what I had and what was entrusted to me, without allowing serious impairment and with moderate returns upon investments.

Once in my early law practice in New York I was induced to take certain parcels of real estate for a fee, and from that circumstance began a series of trades in lots, farms, dwellings, stocks of hardware, etc., lasting a dozen years, in which, after endless trouble, great loss of time and tiresome complexities, I came out of the hole in about the same condition that I went in and very grateful for that.

There is one incident in my business experience which illustrates the benevolent care which the Tammany machine in New York City used to exercise over the people of that metropolis. I was the owner of a number of buildings in Chatham Street (now Park Row). I had leased one of these to a man named Bamberger, who was prominent in Tammany Hall, and he had sublet it to another tenant. A fire broke out and destroyed part of the roof. The subtenant refused to leave the premises, although he paid no rent. I directed my agent to evict him, but when the case was brought up for trial, five witnesses were there prepared to testify that they had seen the rent paid—an absolute falsehood. Fearing he would be beaten in the suit, my agent dismissed the case without prejudice to its renewal, and wrote me concerning the facts.

I happened to be in New York a few days after this, and he told me that Bamberger, a politician who stood well with the city

authorities, had asked the Department of Buildings for a survey of the premises to ascertain whether they were not dangerous; that the first report was that they were entirely safe (which was the fact), but this not being what Bamberger wanted he secured a resurvey. According to this the building was declared dangerous and an order was issued that it be torn down immediately. I had no objection, for I wanted to rebuild. It was suggested that I see the Commissioner of Buildings. I went to his office and saw one of his subordinates, who told me of the special resurvey and the new order; he then offered to introduce me to his principal, but added, "Don't say anything to him of the consideration for this thing."

I answered, "Consideration? What do you mean?"

He turned to me in astonishment and said, "Why, aren't you the man we are doing this for?"

I told him I was the owner, but had not asked for the survey and knew nothing about any consideration. He seemed dumbfounded, and I walked away. I directed my agent to begin again the proceedings to evict. The subtenant, who by this time had lost his nerve, allowed the case to go by default, and I secured possession. Here was a building quite safe, but which was ordered destroyed as dangerous for the sole purpose of ejecting a subtenant as a favour to a political friend and for a suitable "consideration!"

It has been a rule of the family to talk freely about all our business affairs and investments. A man's family, the women as well as the men, ought to have knowledge of such things and should be encouraged to take an interest in his affairs. Many a wife would be more careful if she knew exactly how matters stood, and many a man could profit from the counsels of those at home who have an interest as great as his own in his prosperity. I once had an interesting talk with Jules Cambon, former ambassador of France at Washington, on this subject. "American husbands," he said, "are very kind to their wives, give them every luxury possible and humour them in every way, but do not make them their confidants. A woman will often know nothing of her husband's business. A French wife, on the other hand, is her husband's partner, helps him all she can, keeps his books,

perhaps tends his store or manages his investments. She is interested in all he does and tries in every way to promote his success. That is much better for both of them."

## THE SOCIETY OF FRIENDS

I was, as we have seen, a "birthright member" of the Hicksite branch of the Society of Friends, whose doctrine was that each man should follow his own convictions of duty as his supreme guide of conduct. But I was often puzzled by the peculiar way in which a man's conscience acts. Not only is it true that from education, prejudice and surroundings one man believes to be a virtuous deed that which another considers a sin, but even where there is no doubt as to the quality of the act, our moral consciousness is affected by things which have no relation to guilt or innocence. The remorse one suffers for wrongdoing bears no proportion to actual guilt. If by our fault, death or some other disastrous consequences ensue to another, we reproach ourselves bitterly, whereas if no calamity occurs we never think of the matter again. A sinful act, if it remain unknown, will often pass with but little regret, but if discovery follow we do not cease to reproach ourselves. The degree of remorse is certainly an unreliable test of the degree of guilt. Our own compunctions are like the law which punishes murder with death, yet gives the attempt at murder only a few years' imprisonment, although the failure to kill did not in the least affect the moral quality of the act. If this moral sense then is so unreliable, how far ought we trust to it? I could not tell.

So I became a good deal of an agnostic in respect to this "inner light" as well as other things, and after the outbreak of the World War I found my views so radically different from those of Friends in respect to non-resistance that I determined to sever my connection with the Society and therefore resigned.

And yet there were many of the principles of the Society with which I fully agreed. Friends have always been devoted to human liberty, both physical and spiritual, and took an active part in the movement to free the slaves; they have been thoroughly democratic, recognising no special order of priesthood, nor rank of

any kind, and giving to women equal rights with men; they have always stood for temperance and sobriety in daily life and for honesty in their dealings with others; they have always urged plainness of speech, behaviour and apparel. This for a long time was shown in the Quaker garb and broadbrim and the "thee and thou," now largely discarded, but its essential features—freedom from ostentation and the candid expression of honest conviction—are still among the things they inculcate. And in connection with their principles of non-resistance, with which I could not agree, they always tried to teach that love of justice and fair play which will in most cases remove the causes for strife. Although Friends have now discarded some of the peculiarities which distinguished them and have become in outward appearance more like the "world's people," yet on the other hand the world itself has, in the foregoing matters, become more like the Quakers.

The Society of Friends has represented an important phase in the development of the English-speaking peoples. The organisation will last as long as the world has need for it. But whether its existence be permanent or whether the work shall be carried on by other hands, its record will always be one of the creditable pages in history.

I still feel a subtle sympathy with many of its earlier ways which have fallen into disuse, and cherish precious recollections of old-fashioned Friends, and old shingle meeting-houses shaded by big trees, with plain, unpainted benches inside (the men's side separated from the women's side by shutters), and where perhaps the only sounds heard from the time you entered till the time you left were the songs of the birds coming in through the open windows.

It is the quiet kind of religion which sinks deepest into the heart, the kind which shines in the pale and modest faces of Sisters of Charity and Mercy on their visits to the sick and poor; the kind that guides the life of your plain neighbour and old friend who perhaps never said a word to you about salvation, yet who always lent a helping hand in time of need and whose example was a shining light; the sort of faith which beams from the clear, earnest eyes of some little Quaker lady who would not "speak in

meeting" for the world, but whose very presence is an inspiration to those around her. Fortunate is the man whose boyhood has been watched by eyes like these.

## RETROSPECT

Looking back from the age of seventy years and more upon the various opinions, political, social and religious, which I held in earlier times, I find that I have changed very few of them. The abhorrence of human slavery inculcated in childhood, when our house was a station of the underground railway, has remained through life.

My adherence to the Republican Party in early manhood still seems to me justified by what that party had done, and my temporary alienation from it, in the support of Cleveland, still appears reasonable and right.

In my faith in Theodore Roosevelt I have seen no ground for change and continue to regard it as a supreme achievement that I was able to win and to keep the warm and abiding friendship of this great man. His sudden death seemed like an eclipse darkening the world, and when, on the following day, returning from Indianapolis, I saw upon my table two short notes, just received, signed with the dear familiar hand that could then write no more, it seemed that much of that which made life valuable had passed away.

I still believe in the public measures espoused at an early period; some of them are now accomplished facts, others are on the way to fulfilment; woman suffrage, civil service reform, proportional representation, the manager form of city government, an international court of justice, and in some shape a league of nations—these still seem to me to have been worthy of support. As to the need of preparing to take our part in the great war, it must now be clear to all that the warnings vainly sounded during the first two years of the struggle were only too well justified by the event.

On two subjects I was certainly mistaken. In "Slav and Saxon" I expressed the opinion that the growth and spread of the Russian autocracy was the greatest menace to liberal insti-

tutions. It did not turn out that way. It was Germany who was the most dangerous aspirant for universal dominion. The sudden collapse of the Russian autocracy by revolution has changed the character of the Muscovite menace, and to-day the greatest danger in that quarter is from the propagation of the communist doctrines so suddenly adopted.

There is another subject upon which my views have changed. In earlier life I was a strong individualist, a believer in the doctrines of Herbert Spencer and John Stuart Mill. But society has been drifting the other way. Government has gradually and inevitably assumed greater powers everywhere, supplanting and eliminating in measure the independent action of the individual in favour of a larger collectivism. I have realised this necessity and believe that it may extend still further than at present, but that it should never reach the ideal of a socialistic state in which the main incentives to industry would be stifled.

#### PHILOSOPHY OF LIFE

And at the end of these seventy years, what is the conclusion as to a true philosophy of life? In my early youth metaphysics were very alluring, but in college all fondness for these was shaken by the study of Hickok's *Empirical Psychology*, "The Mind as Revealed in Consciousness," for the learned author described the mind with various compartments and functions which I could not identify; they must have been revealed to the consciousness of somebody else. I felt at first disgusted that I was lacking in the faculty of knowing my own mind, but finally came to believe that much of the author's philosophy was the product of his imagination.

Then Dr. Barnard's "Ontological Argument," in his lectures on the "Evidences of Natural and Revealed Religion," seemed so unsubstantial that I came to the conclusion that this kind of philosophy did not lead anywhere. I have retained that conviction and eschewed all abstract metaphysics down to this day.

Among Von Scheffel's charming descriptions of mediæval scenes in "Ekkehard" is one where two Hunnish chiefs, Hornebog and Ellak, with their horde of barbarians, invade the cloister of

St. Gallus and come upon an illuminated manuscript. Hornebog lifts it on the point of his sword and asks Ellak what it is. Ellak tells him it is the work of one Boethius on the "Consolations of Philosophy."

"Philosophy?" asks Hornebog. "What kind of a consolation is that?"

"It isn't a pretty woman nor good drink. It's hard to describe in Hunnish. If a man does not know why he is in the world and turns himself upside down to find out, that is what they call philosophy in this western country. The man who comforted himself this way in the tower at Pavia was clubbed to death."

"Served him right," said Hornebog. "Whosoever has a sword in his hand and a horse's back between his shanks knows very well why he is in the world."

I must confess great sympathy with this barbarian. An active life has little need of metaphysics.

There are, however, a few practical precepts that seem useful in adding to the sum of a man's happiness. Perhaps the most cheerful among these is the maxim that since there are two sorts of evils, things you can help and things you cannot, a man ought not to worry about the first, but do what he can to mend them; nor about the second, for that does not do the slightest good. Of course there are some griefs so overwhelming that no maxim can turn them aside, but I have found this one of real value in diminishing many of the vexations of life.

Little has been the need, however, even of this sort of philosophy in a life singularly free from vexations. Not only have I been able to follow the pursuits most congenial, not only have I lived long in a home I would not change for any other, but in that field which touches a man's inmost being I have been fortunate far beyond my deserts. I have had at all times the unfailing love of those who were dearest to me. Most of them are still here, and of those who are gone no memory is tinged with a shadow of remorse or bitterness.

Returning to my simple philosophy, one thing distinctly noticeable is that very few people seem to realise what is important and what is not. It sometimes requires a great grief to convince a man how utterly futile are the commonplace cares of life. The



main thing is to keep our aims on adequate things. It is perhaps not so important to do a great many things as to see that everything done is worth the doing.

Another maxim which experience confirms is the old one that in most things the middle course is the wisest. There is hardly any subject to which this does not apply. Take, for instance, selfishness and altruism; a reasonable regard for one's own interest is not only necessary to personal success, but is of advantage to the world, for if each man does well for himself the community will be prosperous. Yet selfishness, to be valuable either to its possessor or to mankind, must be enlightened selfishness, illumined by sympathy, by public spirit and by the consciousness that our own highest good can be obtained only in conjunction with the welfare of those around us. Co-operative effort will do immensely more in most things than mere individual effort; yet that collectivism which would wholly stifle a man's independent action, in industry or in society, would be deadening to the whole. The true path lies between the extremes.

And there it lies in respect to other things—between avarice and prodigality, between asceticism and self-indulgence, between obstinacy and vacillation, between tyranny and license, between severity and laxity in discipline. We may err in fixing the precise point where the golden mean is to be found, but we will not often err in avoiding extremes on either side. Human society, like nature, advances by degrees, by certain compromises between a new thought or a new organism and its surroundings, and those who seek to reach at a bound the final goal rarely accomplish much practical good. While it is unsafe to treat any maxim or formula outside of mathematics as of universal application, and while for effective immediate action half-way measures are sometimes disastrous, there are few rules of conduct more generally true than that expressed in the ancient phrase, "*In medio tutissimus ibis.*"

It is sometimes said that the old man clings just as tenaciously to life and dreads the final hour as much as the young man. I do not believe this is true. While I was preparing for the active work of life I was attacked by a severe case of malarial fever followed by tuberculosis. After two years of vigorous treatment

the trouble disappeared. But during that time it seemed as if a menace were continually hanging over me, as if my way were beset by the footsteps of the destroyer. Life was just opening with its visions of happiness and usefulness and the idea of passing away was like a nightmare.

But in recent years, although once dangerously ill, I had no such feeling of dismay. When your course has been run, why murmur that you are near the end? A few years more or less—what does it matter? From the long suffering which often precedes final dissolution there is still a shrinking and from the grief of parting with those I love and because of their sorrow when I am gone. But of death itself I have no particle of dread and trust that when it comes I may still be content.

Three score and ten! The tumult of the world  
Grows dull upon my inattentive ear;  
The bugle calls are faint, the flags are furled,  
Gone is the rapture, vanished too the fear,  
The evening's blessed stillness covers all,  
As o'er the fields she folds her cloak of grey;  
Hushed are the winds, the brown leaves slowly fall,  
The russet clouds hang on the fringe of day.  
What fairer hour than this? No stir of morn,  
With cries of wakening life, nor shafts of noon—  
Hot tresses from the flaming Sun-god torn—  
Nor midnight's shivering stars and marble moon;  
But softly twilight falls and toil doth cease,  
While o'er my soul God spreads His mantle—peace.

—*Life's Evening.*



## APPENDIX I

### INDIANA'S OUTPUT. SPEECH BEFORE THE

INDIANA SOCIETY OF CHICAGO, JANUARY 28, 1908

IN a negro church in an Indiana town the pastor thus addressed his congregation: "Brudderen and Sisters, ma sermon is divided into t'ree pahts—de subjick, de subjick mattah, and de 'rousement. As de hour is late we will omit de fust two pahts and proceed direckly to de 'rousement." And he did. Now with me the subject and the subject-matter of my toast are too gigantic for after-dinner treatment. The after-dinner speech should correspond in length with the skirt of the ballet dancer, "*qui commençait à peine et finissait déjà.*" And, alas! I have not the Ethiopian qualifications for the "'rousement." Indiana's output! Where shall I begin and where shall I end? The diminutive city from which I come proposed a year ago to celebrate the centennial of its existence. It is an older place than Chicago and naturally looks down upon the metropolis as a parvenu. We issued a prospectus with a list of one hundred and twelve Richmond authors! If these great men are unknown to the rest of mankind, why, that is the fault of the world, not ours. Dr. Johnson could give a definition, but not the capacity to comprehend it. My town can furnish authors, but not the ability to appreciate them.

But the literary fertility of Richmond is a mere sample. The mass of Indiana's output everywhere is immense, and the topics are infinitely varied. We have the homespun and the hero, the Bard of Alamo, to give us in pathetic measures certain illustrative details of the Monon wreck, and more aspiring scribes to furnish us with the most select assortments of Kankakee princesses and the most regal types of Kokomo kings! Ah, would that I could adequately describe the traits and the triumphs of Indiana's output in literature! I would do it with the sympathetic touch of that artist who, in the basement of No. 81 Washington Street, of your city, under the figure of a charming lady, placed the seductive words, "John Robertson, Portrait Painter—Beauties accentuated and likeness preserved." But, alas! my slender talents make such portraiture impossible. I can only say "Look around you."

But is not that enough? When we look upon ourselves, who of us is there that can remain unconvinced that Attica was barren indeed, even in intellectual achievements, by the side of the Hoosier State? What was Aristophanes in the shadow of Ade, Demosthenes at the feet

of Beveridge, or Pericles as the boss of a little Athenian toy machine, a rudimentary screw of Archimedes in comparison with the Lusitanian turbine operated by the mighty Fairbanks? What were Parrhasius and Zeuxis when compared with our gifted toastmaster?<sup>1</sup> There is an utter lack of perspective in calling Crawfordsville the "Athens of Indiana." A better sense of proportion will lead future generations to consider Athens as the Crawfordsville of a ruder and more barbarous age.

Led for so many years through the valley of humility by the meek and lowly Beveridge, we have all worn the violet too long—it is time to thrust the sunflower through our buttonholes. Walt Whitman sang himself. Let us, to more majestic measures, sing ourselves. Oh, that I had the power of Zeus to compel, not the clouds, but the recognition of the Universe for the hegemony of Indiana in all things that sparkle with divine fire!

We ought to take, once and for all, that attitude of conscious worth portrayed in the immortal stanza:

"There was a young prince of Siam  
Who met up with Omar Khayyam.  
Said the prince then to Omar,  
'You're better than Homer.'  
Said Omar Khayyam, 'I am.'"

Some years ago, a philanthropist, determined at last to do justice to our State, projected a book entitled "The American Biographical History of Eminent and Self-Made Men in Indiana" and went about the State soliciting subscriptions. The price, including a biography of each subscriber, was twenty-five dollars, and seventy-five additional for a steel engraving. For the purpose of accuracy, blanks were furnished to each of these subscribers, which they themselves filled out, making skeletons of their respective illustrious lives, which were afterwards padded out in appropriate "good English" by the editor. When the book appeared it consisted of two enormous volumes, containing biographies by the thousands of the representatives of Indiana's greatness. A number of the sketches bear unmistakable evidence that they are the handiwork of the great ones whose lives they respectively delineate, and as to many of these self-made men, no one would suspect any diviner origin! An encouraging feature of the work was the proof it gave of the large proportion of Indiana's great men who are still living. Dead men tell no tales and pay no bills, wherefore the words of the poet that "all who tread the earth are but a handful to the tribes that slumber in its bosom" have been strangely reversed in

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<sup>1</sup> Mr. John McCutcheon, cartoonist for the *Chicago Tribune*.

the case of the celebrated men of Indiana. Scarcely one in fifty is dead.

The book goes quite fully into details; but in relation to the great no item can be considered trifling. We are told, for instance, that a certain physician is five feet, nine inches in height; that he weighs one hundred and ninety pounds. These facts are interesting, not only to those who know him, but to the world at large, to whom he is a worthy object of emulation in these respects.

Another satisfactory thing shown by the book is the estimable and even perfect characters of the great men of our State. Elsewhere greatness has its faults; in Indiana it appears to be dimmed by not even a foible. We read of a distinguished townsman that "his life has been eminently marked by perfect probity; he never withholds one penny's worth in submitting the valuation of his property for assessment." What a model for our contemplation! The only suspicious circumstance is the silence of the biography regarding the other great men of Indiana in this respect.

Some names indeed are missing which we should expect to see. But where a man is unwilling to pay the moderate sum of twenty-five dollars for an eternal name he deserves to be consigned to oblivion.

But even in immortality there must be pre-eminence. Some names must occur more readily to the memory than others. In a school in Denmark the problem was given: "Name six animals native to Greenland." The class was silent till a little girl raised her hand. "What are they, Ingeborg?"

"Four seals and two polar bears."

At one of our Richmond schools a much simpler question was propounded: "Name fifty of the most distinguished of the living novelists of Indiana." Plain and easy as that question was, the class failed to respond until a small boy stood up with that confidence which is the offspring of exact science and replied: "Twenty Booth Tarkingtons, ten Majors, fifteen McCutcheons and five Meredith Nicholsons!"

Thus does pre-eminence assert itself.

I feel a special pride, too, in the statesmanship of Indiana. I feel drawn to it by ties of kindred almost as closely as I feel drawn to my friend Tarkington. In him, gentlemen, you see that glorious combination of statesmanship and literature, which, like the universal genius of the Renaissance, sheds its lustre over all time. In me, too, gentlemen, I wish you could see the same thing. I would be, as it were, a moon to his sun, but the moon's rays are different. With him, if I judge aright his past career, his literature greatly outweighs his statesmanship. But in my softer and kindlier light I feel convinced that my statesmanship greatly outweighs my literature. It is probably

quite unknown to you that there is any literature at all, but there is; and literature, strange as it may seem to you, of the most important character. I have recently translated "The History of the Langobards" (a people closely and intimately related to our own most vital interests) by Paul the Deacon, a monk of the time of Charlemagne, to whom the Hoosier State is naturally drawn by ties of closest sympathy. By assiduous entreaty I have persuaded some twenty or thirty of my personal friends to accept gratuitously that number of author's copies and have thus secured a limited circulation of this invaluable work. Pardon me for mentioning the subject here. An opportunity like this for the dissemination of useful knowledge on such an important matter may not occur again.

This contribution to historical literature is perhaps not unlike the efforts of the Norwegian girl, just landed in Boston, to secure a situation.

"Can you cook?" asked the enquiring employer.

"No."

"Can you wash and iron?"

"No."

"Can you sew?"

"No."

"Can you wait on table?"

"No."

"Can you make the beds?"

"No."

"What can you do?"

"I can milk a reindeer."

The demand for Paul the Deacon in Indiana seems equal to the demand for reindeer-milking in universal Boston. There is need for more specialization. Tarkington may cook, Riley may sew, Nicholson may make the beds, Major may wash and McCutcheon sweep the rooms, but when the time comes to milk the reindeer then look to me.

But if I feel an interest in Indiana literature and statesmanship, my devotion to Indiana journalism is not less enthusiastic. I am almost a journalist myself; indeed, I feel quite a journalist when it comes to paying the bills for running the paper. Well, Indiana journalism has spoken. It has spoken in praise of Indiana statesmanship, and these are its words, uttered at the meeting of Republican editors in respect of Indiana's candidate for the Presidency:<sup>2</sup>

"In him we see embodied the perception of a Lincoln, the dignity of a Grant, the wisdom of a Harrison, the gentleness of a McKinley and the fearlessness of a Roosevelt, a combination of attributes that round

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<sup>2</sup> Fairbanks.

out a man superbly equipped for the duties and responsibilities of Chief Executive."

In thus honouring its great leader and sustainer (I will not say proprietor) Indiana journalism honoured itself! Can any son of Indiana look upon our candidate and compare him with the one who dwells beyond our eastern border<sup>3</sup> without feeling that longitude is more stately than latitude and altitude more lofty than avoirdupois?

Scarcely less distinguished than in literature and statesmanship is Indiana's output in finance. Metternich said of Napoleon that the quality he most admired was "*la grande simplicité de la marche de son esprit*." During the late panic the conduct of the bankers of Indianapolis was characterised by principles of Napoleonic simplicity—they supported our financial fabric by simply and unpretentiously hanging on to every dollar they had and all they could get—no country bank could draw, no depositor could become extravagant, and thus by encouraging the precepts of high thinking and plain living they stood as an irresistible bulwark between the iniquities of Wall Street on the one side and the demands of their depositors and correspondents upon the other.

And what shall I say of Indiana's output in jurisprudence? The gentleman you have just heard sang the praises of the country lawyer. Our Bar is indeed incomparable, but what would it be without the Bench? And what bench can compare with that which Indiana has given to the world? For it was a Hoosier jurist, an Orpheus in ermine, whose tones first awakened the sweet, sad, remonstrant voices of Standard Oil and called forth their feline harmonies from out the eternal silences! To him we owe the notes of the president of the Indiana corporation, who,

"As a wakeful bird  
Sang darkling, and in shadiest covert hid  
Tuned his nocturnal note."

Could Coke or Mansfield or John Marshall ever have wrought the miracle? Nature demanded more—she required the union of Kenesaw Mountain with the Hoosier State.<sup>4</sup>

There is of course Indiana's output in baser and grosser things, a few hundred thousand Studebaker wagons, a few million Oliver ploughs, an infinite number of Hoosier drills sent to all parts of the

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<sup>3</sup> Taft.

<sup>4</sup> Judge Kenesaw M. Landis had fined the Standard Oil Company some twenty-odd millions of dollars (the limit of the law) and had thereby elicited the first public remonstrance from any of the officers of the company, who had previously ignored all complaints.



universe, and threshers and reapers and harvesters and engines and the smokestacks of countless industries "waving" (I quote the editorial association) "their black plumes in the sky!" And railroads! Oh, so many, and such railroads! Whizzing and tooting and rattling before the doors of every Hoosier farmer! But all such things I scorn—the delights of the spirit alone invite me.

And you who have left us, do you reflect what you have done? How could you thus lightly abandon the things of the soul for the mere delights of the flesh? Indiana, as my successor will show you, is a State of Mind! How different from Illinois! Indiana journalism asked me for a manuscript of what I was going to say to you—Chicago made the unintellectual demand of a photograph! And you have moved from Indiana to Chicago! Moved from Parnassus to the Cloaca Maxima! How *could* you do it?

## APPENDIX II

### ADDRESS AT THE OPENING SESSION OF THE NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION, WASHINGTON, D. C., FEB. 18, 1890

THERE is no subject upon which the indignation of our people is more easily aroused than in regard to crimes against the suffrage. From Dan to Beersheba, after each election, come complaints of force and fraud. Investigations follow, and once in a while there is a trial and a conviction for some offence against the election laws. What is the gist of these offences? It is that in some way contrary to law, some citizen is deprived of his equal voice in the making and administration of these laws.

Now, if the only thing of importance is the enactment of good laws or their administration by good officers, it might be of little consequence how the latter are chosen. The forged tally-sheet might return the best man. The suppression of the negro vote in the South has resulted in greater intelligence and honesty in the administration of State affairs. If, by expending a little money at the polls, you save a vast amount of money to the protected interests of the country, what is the harm? If you have a good government, what matter how you get it?

But yet there lies behind this sophistry the conviction that the fundamental right of self-government, the right of each man to cast his single vote and have it counted as it is cast, is of greater and more lasting importance than any of the temporary consequences which flow from the result of the election; that beyond all matters of expediency and good administration, lies the great question of human liberty and equality, which can only be maintained by the uncorrupted equal suffrage of every citizen; and so sacred is this in the eyes of the law that years of penitentiary service are prescribed for the interference with the right of a single human being of the male sex to cast the vote which the law allows him.

But there may be a moral guilt, outside the law, of a character quite similar to that which is so punished when it comes within the terms of the statute; and it may be the crime, not of a single law-breaker, but of the entire community which establishes constitutions and enacts statutes denying equal rights to citizens who are subject to equal burdens. Wherever the simple rule of power is substituted for the just and equitable principle that all who are subject to government should have a voice in controlling it, we are guilty, under the form.

of law, of the same violation of the just rights of another for which the corrupter of elections and the forger of tally-sheets is tried, convicted and incarcerated. But from the remotest time the world has done this thing; equal rights have never been conceded to women; and so warped are our convictions by custom and prejudice that a denial of their political equality seems as natural as the breath we draw.

How strongly we are moved by other cases of the violation of liberty! It is only a few days since the wrath of our people was awakened by the recital of outrages committed upon the helpless body of a woman, a prisoner in Siberian mines; and I think I do not mistake the sentiment of the people when I say that they attribute incidents like these, not to the sporadic cruelty of a single prison official, but to the abominable system which renders the life, liberty and property of every Russian, subject to the mere caprice of the autocrat and his minions. We say that it is monstrous that the fate of millions should depend upon the whim of a single man; that, in the eyes of the great and just Ruler of the universe, the helpless victim is the equal of the head of this organised persecution; and whatever may be our sentiments as to the means employed, we should have the heartiest sympathy with any proper effort by the Russian people to free themselves from this unnatural yoke. It is the principle of autocratic rule which is the inherent vice. No matter how good the Czar, so long as he denies to his subjects the power to participate in the government his administration is, and must be, wicked and unjust.

So, too, with the Irish agitation. The English Government may give relief to tenants; it may lower their rents and give them an administration better than the one they would choose for themselves; but the mere fact that this right of choice is taken from them, makes the rule of England a practical oppression.

The thing was even more clearly shown in the revolt to which our national existence owes its origin. It was not the heaviness of the burden of the stamp act or the tax on tea; it was because any form of taxation without representation was tyranny, because all government derived its just powers from the consent of the governed, that our fathers would not submit to English rule.

And yet these things, that seem so plain and self-evident when we look at them from a distance, are vague and misty when they stand beside our own doors. Paternalism in government, which seeks to do good to the people against their will, is bad enough in the Czar of Russia and in old King George, but it is quite right and just when it affects our wives, sisters and daughters. They have everything they need; why ask the ballot? Ah, my friends, so long as they have not the right to determine the thing they need, so long as the ultimate power remains with us to say what is good and what

is bad for them, they are deprived of that which we ourselves esteem the most precious of all rights. I suppose there never was a time when men did not believe that women had everything they ought to want; that they had as much as was good for them. The woman must obey, in consideration of the kind protection which her lord vouchsafes to her. The wife's property ought to belong to the husband, because upon him the law casts the burden of sustaining the family. There must be one ruler, and the husband ought to be that one. But this is the same principle which during centuries and thousands of years maintained the divine right of kings. When we apply it to our system of suffrage, the number of sovereigns is increased, that is all. The divine right of man to legislate for himself and woman too, is upheld by laws which receive the sanction of his vote alone. It is only a difference in the number of autocrats and the manner in which their decrees are promulgated.

We object to human slavery, not merely on account of the individual instances of hardship and outrage which it entails, but because we believe that, however kind the master, it is wrong in principle that the destinies of one man should be confided to the keeping of another. But put this proposition in another shape, it is equally unjust that the destinies of one race should be placed under the control of alien blood; and in still another shape, it is equally unjust that the rights of one sex should be granted or withheld solely at the good pleasure of the other. The sovereignty is just as complete which is exercised in the form of general laws. There is some amelioration of the practical conditions, but the principle is just as iniquitous.

And this unjust principle is sure to give rise to unjust laws. There never was a time when men in their legislation respected in all particulars the equal rights of women. They certainly did not under the older systems. The laws of Manu prescribed that at no time should a woman govern herself according to her own will. Before she was married she was subject to her father, then to her husband, and, he dying, to her sons; or if she had none, then to her nearest male relative, and in default of this, to the king. At no time could she rule herself according to her own will. The Greeks improved but little upon this idea. Among the Romans, a woman's property and civil rights were mainly at the disposal of either her father or her husband. By the Code Napoleon of France, the joint property belonged to the husband, and however brutal he might be, he could compel her to live with him, even if he had to bring her to his home between a brace of gendarmes. The common law of England was just as bad. When she married, all her personal property became her husband's by the act of marriage, all her outstanding claims were his as soon as he saw fit to reduce them to possession. Her real estate belonged to him during their joint lives; or if a child was born to them, remained his

for life; not a penny nor foot of land could she call her own. The children were subject to his will; and he might beat her provided the rod were no thicker than the judge's thumb. Gradually these hard conditions have been ameliorated, but still her condition remains one of inequality. There are States in which she cannot make a contract, where her own earnings do not belong to her; and even where these iniquities have been swept away, the door is still closed to all political preferment. All this as the law tells us is for *her good*.

Now, I am utterly opposed to every form of doing good to people against their will. I am opposed to every sort of divine right, whether of a king or an aristocracy, of a single race or of a single sex. If woman did not suffer from this absence of political power, it would be the only instance in history where a class deprived of political rights has not been the worse for this disability. In the progress of civilisation from despotism to constitutional government, one class after another, one race after another, found that some share in the government was necessary for the protection of its rights. The barons wrested it from King John; the wealthy burghers acquired the right to share it with the barons. Gradually through the various strata of society filtered this divine right, this right of sovereignty, this right of suffrage, until at last it has been extended even to the lowest.

So in America: first it was a property qualification, then it was a race qualification. Step by step has the franchise been extorted from its exclusive possessors, until now it embraces practically the entire human family of the male sex. If the principles upon which these advances have been made are true, the movement cannot stop here.

It is wrong in principle to say to our sisters what avenues of activity and employment shall be open to them and what shall be barred; and it is just as wrong to close the single gate of political preferment as to shut them out from any other lawful occupation. By what argument can you justify it, and defend your own political liberty? By what argument can you defend your own suffrage as a right and not concede an equal right to her? A just man ought to accord to every other human being, even to his own wife, the rights which he demands for himself.

"But she has her sphere, and she ought not to go beyond it." My friend, who gave you the right to determine what that sphere should be? If nature prescribes it, nature will carry out her own ordinances without your prohibitory legislation. I have the greatest contempt for the sort of legislation which seeks to enable nature to enforce her own immutable laws. I should have very little respect for any decree, enacted with whatever solemnity, which prescribed that an object should fall towards the earth and not from it; and I have just as little respect for any statute of man which enacts that mothers shall continue

to love their children, by shutting women out from political action and preferment lest they should neglect the duties of the household.

I was much amused at the recent colloquy between Mrs. Stanton and the chairman of the Congressional Committee, when he asked her whether woman would not lose much of the refining influences that now bless our race, if political opportunities were thrown open to her. What! Lose refining influences because the field of her opportunity is widened? If that be true, the Turk is a great deal more logical than the American. There we have the refining influences of the seraglio, the household sphere. There we find woman preserved, not only from the rude gaze of men, not only from the degrading commerce of the world, but even from the kisses of the sun upon her face. If her sphere be always to stay at home to look after her children, whether she have any children or not, the customs of our Oriental brothers are admirably calculated to accomplish this result. How desperately the refining influences of the sexes were sacrificed when the doors of church and college, of Sunday-school and hospital, were thrown open to her, and the defiling touch of the thousand occupations in which even now, according to our perverted notions, she can honourably engage! How desperately the rude commerce with the world in society, in the church, nay, even in the galleries of the Quaker meeting-house, has shattered that gentle and refining influence! Has it never occurred to the wise legislators who would fasten her to the cradle by statute, that every one of these encroachments upon woman's sphere has made her a better mother and a better wife; that the child whom she trains, and the husband whose helpmate she is, is the better for them? And if that be true, when so many steps are taken towards her complete emancipation, why fear to add the final one, the last, and say that in this thing as in all others, the condition of the largest liberty is the condition of the highest development?

But some of our statesmen to-day, who have outgrown Mr. Jefferson and the Declaration of Independence, who do not believe that taxation without representation is tyranny, or that the government derives its just powers from the consent of more than half the governed,—these men say that suffrage is no right, but a privilege conferred upon a certain body of people for the best good of the State. Who conferred it? Who had the right to? Who has the divine authority to withhold it from another? To what higher power, what court of last resort, can we appeal? Who must pass upon the qualifications? Sovereignty resides somewhere. We say that its ultimate abode is among the entire body of the people, rich and poor, black and white, male and female; that to assert anything different from this is simply to declare the law of the strongest.

But some of the politicians of this day have not hesitated to take this ground, which is indeed the last refuge of the opponent of woman

suffrage. Women must not vote because they do not fight. But if women are to be excluded on such a ground, then why not the aged, the infirm, the cripples? And, if men who cannot fight are to be left out, with still greater reason should those who can and will not. The army should cast the suffrage, and the elections by the Prætorian guard in the declining days of the Roman Empire, when they put up the imperial purple to the highest bidder, and old Didius Julianus carried away the prize,—this form of government is the perfect model upon which our institutions ought to repose. The Kaffir who buys his wife and kills her when he likes, saying, "I have bought her once for all, and she is mine," this man only carries out to its logical consequences the monstrous doctrine that force is after all the just basis of all human government.

Let us ask ourselves how we should like to be disfranchised, and from the answer let us determine whether we have the right to refuse suffrage to any woman who asks it.

"But, say you, "woman is already adequately represented. She does not form a separate class. She has no interests different from those of her husband, brother, or father." These arguments have been used even by so eminent an authority as John Bright. Is it indeed a fact? Wherever woman owns property which she would relieve from unjust taxation; wherever she has a son whom she would preserve from the temptations of intemperance, or a daughter from the enticements of a libertine, or a husband from the conscriptions of war; she has a separate interest which she is entitled to protect. "But she can control legislation by her influence." If she has influence, she is entitled to that and her vote too. You have no right to burn down a man's house because you leave him his lot. "But woman does not want the suffrage." How do you know? Did you give her an opportunity of saying so? Wherever the right has been accorded, it has been exercised, and the best proof of her wishes is the actual use which she makes of the ballot when she has it. But it makes no difference whether all women want to vote, or whether most women want to vote; so long as there is one woman who insists upon this simple right, the justice of man cannot afford to deny it. Would it be an answer to my claim for suffrage that a majority of the men in my town or my State did not want it? So long as I need it to protect my interests, it matters not how many of my fellows may be indifferent to theirs.

We talk too much as if this question depended upon how women were going to exercise the right when they have it. What should we men think if we were told that we could have the ballot, provided we would vote in the way that somebody else might think was right? Would not our indignant answer be, "It is none of your business how I vote; that matter I will determine for myself!" The suffrage under the Bonapartes was once defined to be "the inalienable right which

every Frenchman has to cast one vote for the eldest male heir of the family." It is this sort of a right which these men propose to confer, who talk beforehand about the way in which women are likely to vote, as reasons for bestowing or for withholding the suffrage.

Do you still say, my antediluvian friend, that woman is intellectually inferior? When you went to school, who stood at the head of your class? Was it a boy or a girl? I have heard of classes where the boy was first. I did not belong to one. Wherever woman has been tried as a sovereign, she has proved not merely equal to the average, but to the highest instances of kingcraft. What name so eminent in English history for wisdom and executive energy as that of Elizabeth? Who so profoundly revered in Spain as Isabella of Castile? Next to the great Peter, Catherine the Second of Russia was the ablest of its administrators; and no name among the sovereigns of Austria is so deeply cherished as that of Maria Theresa. Charles the Fifth chose women to govern his provinces, because, as he said, he found them better qualified than men for administrative duties. When John Stuart Mill examined the affairs of India and discovered a province governed with special ability, its affairs economically administered, peace and prosperity at home and respect abroad, it was almost uniformly under the control, not of a man, but of an Indian princess. It is but seldom that woman has had an opportunity, but where she has, it is not in that kind of work at least that her inferiority appears. They say she never wrote a great epic nor painted a Transfiguration. This might be an excuse, and a very poor one, for passing laws forbidding women to paint or to write poetry; but it is the worst possible excuse for a rule excluding them from duties which they have positively proved their ability to perform.

In matters of business, her experience may not have been so wide as ours, but in the matter of moral purity, her standard is higher. Is that the best system of government which gives a voice to intemperance and violence, which it denies to the virtue and purity of home? Ought not a complete representative government to include the types of its better as well as its baser qualities? The constitution of Indiana gives a vote to the pauper and the idiot as well as to the criminal, after his term is up and his period of disfranchisement has expired. In one of the last elections, the imbeciles in the poor farm at Indianapolis were brought to the polls in a body; and a man who, when asked his name, declared he was Jesus Christ, and another who had just intelligence enough to take in his hand a piece of paper handed to him by the political manager of the precinct and give it to the election officer, were permitted to make the laws which should tax the property and control the fortune of every woman in the State. I find it hard to understand the logic of the law-maker who prefers legislation by male idiots to legislation by women. In this case, as in every other, the



course prescribed by the simple rules of justice and duty is also the course demanded by common sense and the best interests of society. It is that our ultimate rights shall rest upon the equal suffrage of both the sexes, in the same sense and to the same extent that they now rest upon the suffrages of men alone; that there is no limit to the true sphere of the lawful activities of woman except such as is prescribed in the fair field of competition by natural law.

It is to bring about this equality that the National-American Woman Suffrage Association has been organised. It is for the purpose of greater efficiency that the two former associations have merged their separate existence in the new one.

The Association is to be under the leadership of those whose eminent names, invaluable services, and wide experience give assurance of the highest efficiency; but even if it had been otherwise, our duty would have been the same: to follow with cheerfulness and alacrity in every measure which seeks the attainment of that single object for which we have come together. Let us work in the spirit of infinite forbearance. Let us examine our own hearts and see whether there be any alloy in the golden motives which should actuate our efforts, and if there be, let us never rest until it be utterly consumed.

Men call us dreamers; but it is the dream of this generation which shall be the truth of history in generations to come. Thus has it always been, and thus will it always be. Amid the corruptions of declining Rome, men dreamed of a purer deity than the old gods of Greece. Neither the tortures of Nero's gardens nor the flaming eyes of the tigers of the amphitheatre could stifle the spirit of these dreams—dreams that were born in the darkness of the catacombs, dreams that made the dreamers brave and pure and just amid the universal corruption and debauchery around them; dreams that rose with their pure spirits from amid the circles of the howling amphitheatre, and led them along the bright path of the sunlight of God's love. These men dreamed, and lo! the new faith in which they put their trust, spread over all the earth, and buried beyond hope of resurrection the darker superstitions of antiquity.

A sailor of Genoa dreamed of a great ball revolving in infinite space, of the temples and palm groves of India across the blue waters of the West, of a benighted and unbelieving world to whom he should carry the glad tidings of God's love. Courtiers repelled him, sage doctors in council called him heretic. Freightened with the burden of that dream, he trudged his weary way from land to land. Then the heart of a woman, pure and good, was made a sharer in that dream, and from that union arose a progeny of fruitful deeds. When we look upon the treasures which the civilisation of the Western Hemisphere has poured into our lap; and as we glow with the great thought of America, the liberty that enlightens all the world,—let us ask our-

selves, where would these things have been if no Columbus had dared to dream away the superstitions of the centuries?

We can hardly remember it now, but there was a time that we ourselves have seen in free America, when in this very city, human flesh was sold upon the auction block; when stripes and curses were the only payment offered for the negro's toil; when women with children at the breast followed for days and weeks, among the swamps and morasses of the South, that one star, the star of the North, of liberty; the only friend that they had on earth. Then, too, men dreamed; dreamed of the time when this great curse should vanish. In season and out of season they preached their gospel of emancipation. They were reviled of men; the jeers of the populace, the hootings of the mob, and even the rope of the hangman, were their portion; but the flame of war passed over us, and the curse has rolled away.

Garibaldi, in his island home, dreamed of United Italy; and lo! before our very eyes the deed is done.

And men dream still. Amid the snows and darkness of Siberian winters, they dream of that liberty for whose sake they wear the chains and bear the stripes; dream of a great resurrection of holy Russia, when the song of the peasant shall no longer be freighted with the sadness which generations of oppression have poured into its cadences; and where even to them shall be given some measure of the right to make the laws which they must obey. And their dream, too, shall become a living reality.

And woman, too, has dreamed, dreamed of the time when, equal with her brother in the last jot and tittle of every civil, social, and political right, she should have the power to exercise jointly with him that right of sovereignty, that right of suffrage, upon which the security for every other right depends. Already half the prayer is granted. One by one the barriers of legal incapacity have been thrown down, and the gate of many an avenue to honour and wealth and profit, which had been closed against her, now yields to the pressure of a woman's hand.

The great work goes on slowly and steadily to its accomplishment. The little reverses which come from time to time, such as the denial of suffrage in the State of Washington, are only the exceptions which serve to show more clearly the general drift of the tide. Shall we believe that these are permanent obstacles? We might as well say that the Mississippi will not reach the sea, because there are eddies in the current. The progress of humanity is certain. It will not stop until man and woman are equal in every right before the law, and government everywhere derives its just powers from the consent of the governed.



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